

**OS Parcel 9635 North East Of HM Bullingdon
Prison
Widnell Lane
Piddington**

17/00145/F

Applicant: Mr H.L Foster

Proposal: Change of use of land to use as a residential caravan site for 16 gypsy/ traveller families, each with two caravans, including improvement of access and laying of hardstanding

Ward: Launton and Otmoor

Councillors: Cllr Tim Hallchurch
Cllr Simon Holland
Cllr David Hughes

Reason for Referral: Major Application

Expiry Date: 21 April 2017 **Committee Date:** 18th May 2017

Recommendation: **Refuse**

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located 1.2km to the west of the village of Piddington and 2km to the east of Upper Arncott and 3.5km from the village of Ambrosden. The B4011 lies approximately 100m to the west of the site and to the west of the B4011 lies HM Prison Bullingdon. The site of the proposed development is part of an agricultural field which is currently laid to grass. The site has an existing vehicle access entering from Widnell Lane on the northern boundary of the site. To either side of the existing access the site is enclosed on the road side frontage by mature native hedgerow to the northern boundary and the southern boundary is also made up of a mature native hedgerow.
- 1.2. The site is not in close proximity to any listed buildings and is not located within a conservation area. The site has some ecological value due to recent recordings of protected species within the vicinity of the site, including Great Crested Newts, Brown Hairstreak and Black Hairstreak butterflies. Piddington Training Area District Wildlife Site lies approximately 200m to the south east of the site and there is a pond on the neighbouring site located 30m away from the eastern boundary which has an average suitability for Great Crested Newts.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This application seeks planning permission for the change of use of the land to be used as a gypsy and traveller caravan site comprising 16 pitches, each pitch containing one mobile home and one touring caravan. The proposals include the improvement of the existing site access, which includes the widening of the access to the site to 9m to allow for two way traffic. The proposal also includes construction of a driveway through the site measuring 6m wide and which follows a looped path

round the whole site. Each pitch can be accessed from the main site driveway. The site access is to be constructed from hardsurface tarmac and the driveways within the site are to be constructed from permeable materials. A play area is proposed in the south western corner of the site.

- 2.2. It is proposed to install an Alpha Septic Tank, one for each pitch at the site; these systems would receive the waste water and process it discharging clean water into a soak away within the site.
- 2.3. Screening Opinion (Ref: 17/00001/SO) issued by Cherwell District Council on the 6th February 2017 stated that an Environmental Statement was not required for this development.
- 2.4. An amended plan was received on the 3rd March 2017 which relocated pitch 16 to the eastern side of the site. The previous siting of pitch 16 was located in the south west corner of the site leading to a tightly located plot; the re-siting would allow for an extended play area or space for additional planting.

3. RELEVANT PLANNING HISTORY

- 3.1. There is no planning history directly relevant to the proposal.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. In light of the closure of Newlands Caravan Site Bloxham, informal pre-application discussions were held with the applicant in August and September 2016. The applicant contacted the Local Planning Authority seeking informal advice regarding the site at Widnell Lane, Piddington. Verbal advice was given to Mr Foster following a meeting held at the site on the 25th August 2016 and following consultation with the Local Highway Authority. Mr Foster was advised verbally that the site was located within 3KM of the village of Arncott, a Category A village, and so would qualify for consideration under Local Plan Policy BSC6, and could be accessed with appropriate visibility splays onto the highway. Mr Foster was invited to submit a planning application which was received on the 20th January.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site, that the Council has been able to identify from its records. The final date for comments was 02.03.2017, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. The comments received can be viewed in full on the Council's website, via the online Planning Register.
- 5.3. The comments raised by third parties are summarised as follows:
 - *Piddington is a category C village where development is restricted. The village of Piddington is identified as a category C village in the Cherwell Local Plan and has no services. The proposed development is not located within the built up limits of Piddington and is not infilling or conversion and therefore does not accord with Policy Villages 1.*

- *Piddington has no services. Access to GP surgery and school is in Ambrosden which is 3.5km away. Secondary schools are in Bicester which is 10km away.*
- *The effect of the development on the character of the neighbourhood would have a dominating effect. Piddington is a small rural village with no amenities. The character of the village will be irreparably damaged should permission be granted. This would negatively affect a group of people much larger than the future occupants.*
- *Piddington floods regularly and the site is prone to surface water flooding (the northern end of the site is identified by the County Council as an area at medium/high risk of flooding from surface water). The site could therefore be affected by drainage problems and could lead to pollution risks from proposed septic tanks as the water table is high in this location. The proposal could increase run-off rates from the proposed caravans and hardstanding and could lead to additional flooding from surface water within the local area and on the highway. The application has been supported by insufficient information in relation to drainage.*
- *Foul drainage should be connected to existing main drainage services.*
- *The site is within 200m of intensively use livestock buildings.*
- *Access to the highway network from the site is via a narrow unclassified road. The increased use of this section of Widnell Lane would pose a risk to users of the highway.*
- *The proposed access to the site is on a bend in the road which has no national speed limit, the lane is already dangerous to drive/walk along, it has no street lighting, an uneven surface and obstructed views. Additional use of this access could lead to a highway safety issue. And increasing the risk of a road traffic accident, particularly due to the use of large vehicles and towing vehicles.*
- *Alternative exit from the site onto the A41 via the village and Lower End a single track road could also impact on the safety of this area of the local highway.*
- *The site is located within 150m of an MOD training facility where noise is generated by regular exercises which use pyrotechnics and blank gun fire. There are no proposals to mitigate the proposed development from harm and no proposals to ensure the safety of residents.*
- *Noise generated on the site would impact the quiet rural nature of the area and wellbeing of livestock*
- *The proposed development could potentially harm biodiversity. There are ponds in close proximity to the application site and mature hedgerows on the boundaries and possible use of the site by rare butterflies and other protected species*
- *The proposal is out of scale with the surroundings and does not conform to the local plans requirements that applications “respect the scale of, and do not dominate, the nearest settled community and avoid placing undue pressure on the local infrastructure.*

- *The site is isolated from existing towns and villages and therefore unlikely to be able to provide a satisfactory living environment for the future residents due to poor links to services. This is contrary to the traveller policy 2015*
- *The site is not served by mains water, sewage or electricity.*
- *The site is grade 3 agricultural land and is therefore a greenfield site. The change of use of this land from agriculture to a caravan site is not considered to be effective and efficient use of land.*
- *There has been no assessment of alternative sites to accommodate this development elsewhere. There are already a number of sites locally at Boarstall, Worminghall and Islip.*
- *The proposed change of use would put pressure on existing services at Arccott and Ambrosden*
- *The landowner has not approached the village to see if they wish the land to become a village asset*
- *The visual appearance of the proposed development would harm the visual appearance of the surrounding countryside and would also have a negative effect on the village of Piddington.*
- *The applicant has not considered the use of previously developed land. The proposed development is overdevelopment of the site, not well planned, there are limited opportunities for additional landscaping enhancing the development and ecological improvements.*
- *The open countryside siting would lead to an intrusive feature in the landscape and contrary to the sustainability criteria.*
- *The location of the site performs poorly in terms of sustainability. No bus services to or from the site, no footways on the road providing access to the site, or bus service at Bullingdon Prison. Residents would be largely dependent on the private car. The developer should be required to improve the existing access to the bus service.*
- *The site is too small to provide suitable ecological benefits and buffer planting to restrict views.*
- *There is a large number of vacant plots at an existing site near Arccott demonstrating a lack of demand in the immediate vicinity.*
- *The benefits of delivering traveller pitches could equally be secured on a site in or near a settlement with access to local facilities.*
- *No archaeological surveys have been carried out.*
- *The site of the proposed use does not have immediate residential neighbours, however, the site is within the vicinity of a park and playing field, people who use these facilities would be negatively affected due to increase in traffic on the road*
- *The use of the site as a caravan site would be out of keeping with the form of neighbouring development within the locality*

- *Incorrect references to the road names in the supporting statement.*
- *Concerns raised about light pollution from new lighting at the site.*
- *The proposed use could increase crime in the area.*
- *Concern that the applicant could gain permission for a gypsy and traveller site and subsequently apply for the change of use to residential dwellings on the site.*
- *Electricity pylons are sited to the west of the site which could pose a health and safety issue.*
- *Insufficient vehicle parking in the site*
- *It should be fully acknowledged that there is a district wide shortfall of gypsy and traveller pitches. However, the core principles of the NPPF are that any proposed development should be sustainable, there are no exceptions to the core principles of the NPPF. Therefore, any proposed development that meets the credentials of sustainable development should be approved without delay. The locality provides little provision for walking due to the lack of a footway along Widnell Lane and having to cross the B4011 to access the local bus service and Arncott. Therefore, residents are likely to be heavily reliant on the private car.*
- *The B4011 is a fast road and could be a health and safety issue for residents at the site access the local bus service.*
- *No existing travelling community in this area. The site is remote from existing communities and services*
- *The site is outside and area allocated for development in the local plan.*

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 AND NEIGHBOURHOOD FORUMS

- 6.2. **PIDDINGTON PARISH COUNCIL object to this application for the following reasons:**

- *The proposed development is within the boundaries of Piddington parish and the village of Piddington is the closest settled community.*
- *Cherwell Local Plan 2011-2031 (Part 1) comprises the Development Plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004. The application site is not allocated for development in the Local Plan, which states that allocations, including locations for new traveller sites are to be made in the Local Plan Part 2 which is still in the course of preparation. As an unallocated site, any application for its development is to be considered in accordance with the criteria set out in Policy BSC6 in the Local Plan Part 1. Paragraph 14 of the NPPF is also relevant in the consideration of this application which provides a presumption in favour of sustainable development, but which also establishes that where the adverse effects of*

granting permission would significantly and demonstrably outweigh any benefit, permission should be refused.

- *The development of this site is contrary to the principle of sustainability, and there are real and compelling reasons why this application should be refused:*
 - *It proposes the development on a greenfield site, in agricultural use in the open countryside.*
 - *The site is close to, and in the catchment area of, the River Ray, which is of significant ecological sensitivity and is designated as a Nitrate Vulnerable Zone.*
 - *It is remote from any settled community. The nearest settlement is Piddington, which is a Category C village without facilities.*
 - *Although the site is within 3km of Arccott, a Category A village, the only shop in the village is more than 3 km away.*
 - *The site is not accessible by public transport and the nearest bus stop at Bullingdon Prison (700m away across a busy road) has an infrequent service.*
 - *It will increase the traffic on Widnell Lane which has no footpath or street lighting. The maintenance of adequate sight lines will depend on cutting back vegetation which is not on the applicant's land.*
 - *The site is susceptible to flooding.*
 - *The proximity of the proposed development will harm the amenity of the nearby Widnell Park, Jubilee Reserve and sports field.*
- *The proposed development would be contrary to Policy BSC6 and should be refused. Refusal would also be consistent with paragraph 14 of the NPPF and also with the recent decision of Aylesbury Vale DC to refuse permission for a site at Oakview Park, Boarstall which is about 3km as the crow flies from the proposed site at Widnell Lane.*
- *In July 2002 Cherwell District Council objected to a proposal for asylum seekers accommodation near Piddington, 60 metres away from the current proposal.*
- *Para. B139 of the Cherwell Local Plan in relation to travelling communities seeks to "secure sites that will provide suitable living environments in locations that are as sustainable as reasonably possible. It will be important to identify sites that will enable access to services, facilities and potential sources of employment, which will promote inclusive communities but which will not be out of scale with or dominate nearby settled communities". In relation to this Piddington Parish Council accepts that the proposed location is within 3km of the built up limits of Arccott (defined in the Local Plan Policy Villages 1 as a Category A Service Village) but would point out that the services available in Arccott are limited to a small village shop (which is more than 3km from the proposed site), a public house and a bus service. The services available in Ambrosden (also a Category A Service Village beyond the 3k limit) are similarly limited and under pressure from several new housing developments and residents likely to return with the garrison.*

- *The nearest settlement is Piddington which is 1.2km from the application site. Piddington is a small quiet rural community falling within the definition of a Category C Village where development is limited to “only infilling and conversions”. The sites location is in an isolated location away from local communities and the Parish Council consider this to be a contravention of paragraph 25 of the “Planning Policy for Travellers” (DCLG August 2015).*
- *The Parish Council does not believe that the proposals are acceptable for development either in a Category C Village, or as a rural housing exception site, and that the shortage of necessary services in the adjacent Category A Villages and the isolated nature of the site makes the proposed development completely inappropriate at this location.*
- *Advice from the ‘Friends, Families and Travellers’ (FFT) advocates that identifying land for traveller sites should consider siting near existing local connections. In this proposal the site has been purchased recently and there does not appear to be any local connections in this location.*
- *The site is located within the open countryside. Para. B254 of the Cherwell Local Plan seeks to ensure that development conserves and enhances the character of the countryside, the Council will carefully control the type, scale and design of development. The Parish Council does not consider the current proposal complies with this requirement.*
- *The site of the proposal is considered to be Grade 3 agricultural land. Agricultural should be retained and development located on previously developed sites in sustainable locations. It is the Parish Councils view that options for previously developed land should be considered before an area of agricultural land in a rural location is considered for development. There is no evidence that an investigation of alternative sites has been undertaken.*
- *The proposed development is not considered by the Parish Council to be appropriate farm diversification.*
- *The site is less than 300 metres from a MOD training facility where the use of ordnance and pyrotechnics, including illumination, is a regular and noisy occurrence. It should also be noted that, because of the design and construction of caravans and mobile homes, people who live in them are much more vulnerable to the impact of noise than people living in bricks and mortar. There are no proposals to mitigate the effects of this nearby use.*
- *To the west of the site there is an electricity pylon that crosses land approximately 60m away.*
- *Existing access to the field whilst in agricultural use has been minimal. The proposed change of use would generate increased traffic on Widnell Lane. It is not unreasonable to assume vehicle movements from each of the 16 pitches everyday. One movement from each pitch per day would amount to 32 movements at the site and it is likely that more than one trip a day will be made which could amount to a total of 100 movements at the site. This would greatly exceed the number of trips currently taking place at the site.*
- *The Parish Council maintains that the road is not wide enough to accommodate two passing vehicles should one be a HGV, a large van, a vehicle towing a caravan or an agricultural vehicle, resulting in serious damage to the verges and the edges of the road, which includes the drainage ditches either side. The annual average daily traffic flow for the*

B4011 is in the region of 5000 fast-moving vehicles and the junction between Widnell Lane and the B4011 represents a significant hazard, particularly when considering long vehicles exiting this limited visibility junction. The access appraisal makes no provision for improvements to the junction to mitigate this danger.

- Widnell lane has no pedestrian footway or lighting. Due to overgrown hedges and waterlogged verges pedestrians would have to walk on the road. The visibility is poor and the safety of the increased number of pedestrians who would be using the road would be put at risk.*
- No reference in the access statement about additional vehicle movements from the site through the village of piddington. Access to the A41 through the village is unsuitable for large vehicles as it is single track with weak railway bridges, an increase in traffic through the village is undesirable.*
- The Parish Council identified a number of errors and inaccurate information in the design and access statement. The road numbers are incorrect and some of the text appears incomplete.*
- The Parish Council is concerned that the pitches are crowded with no parking provision shown. No visitor parking proposed within the site. No area for waste storage and recycling.*
- The Parish Council does not consider that the design of the proposal meets the requirements of paragraph 26 of "Planning Policy for Travellers Sites"*
- The proposal will have a detrimental effect on valued Parish amenities known as the jubilee reserve and the sports field. Also a large stretch of Widnell Lane forms part of the Piddington Circular Walk, this walk would be adversely affected by the increase in traffic and by the visual appearance of the site. There are several equestrian businesses in the Parish who exercise horses within and around the village and would suffer loss of amenity from the proposed development.*
- The surrounding area has high ecological value as it 1km from the Upper Ray Meadows Nature Reserve. This is identified by BBOWT as comprising a range of habitat and species. The site is close to and in the catchment area of the River Ray, which is a designated Nitrate Vulnerable Site pursuant to the Nitrate Pollution Prevention Regulations 2015. The River Ray continues to suffer from pollution and the nitrates in particular, and remains susceptible to further continuing pollution.*
- The application has not been supported by a Great Crested Newt Survey, this should be provided as there are at least two ponds within 250m of the site and the pond in Widnell Park is 500m away. A phase 1 ecological report should be provided. An archaeological survey should be provided as significant interest including Roman artefacts has been found at a development site at Ambrosden adjacent to Blackthorn Hill Farm, which is a similar distance from the B4011.*
- The Parish Council considers that the proposal will seriously damage the biodiversity of the River Ray Floodplains. Furthermore, the Parish Council's view is that the proposal would have a detrimental effect on biodiversity and landscape features.*

- *The Parish Council considers that a new site being delivered at Upper Heyford and a further one at Chesterton for 9 pitches will address the existing shortfall of gypsy and traveller pitches in Cherwell.*
- *The Parish Council do not consider that the proposal at Piddington is a suitable solution to the closure of the site at Bloxham as it is 20 miles away.*
- *The proposal could attract a further 60 adults to live in the Parish of Piddington which is considered to dominate the current population.*
- *The Parish Council is also aware of an application in Aylesbury Vale District to make a site at Boarstall permanent. This application was refused in August last year. The Parish considers that these two sites together would dominate the surrounding settled communities.*
- *The Parish Council are concerned about the risk of flooding on the application site which has not been considered by the application. Access to Piddington from the A41 is regularly cut off by flooding, any further flooding of Widnell Lane could risk cutting off the village.*
- *The proposed hard-surface areas proposed would increase surface water run-off and potentially increase the risk of flooding. The use of septic tanks can pose the risk of pollution to the local water system.*
- *The application does not include any information demonstrating if alternative sites have been considered. Furthermore, the Parish have suggested that consideration should be had for allocation of land within Bicester for gypsy and traveller pitches through the Local Plan process.*

6.3 ARNCOTT PARISH COUNCIL object to this application for the following reasons:

- *The site of this application is located 3.5km (along the roads) from Arncott and 4km from Ambrosden both of which are defined as Category A villages in the Cherwell Local Plan. The Parish Council would point out that the services in Arncott are limited to a small village shop, a public house and a limited bus service. The Parish Council believes that the siting of traveller sites in relation to education and medical facilities is important and Arncott has neither. Arncott also supports Oaksvie travellers site to the south of Arncott. Should this application be approved there will be 35 pitches looking to Arncott for services which could overwhelm the village and residents.*
- *The proposed site is located within the open countryside some distance from the prison. Arncott Parish Council has noted the recent reason for refusal relating to Oaksvie by Aylesbury Vale District Council (AVDC) and would urge Cherwell District Council to agree with the AVDC planning committee which concluded “harm arising from the visual impact of the site in the countryside should be accorded significant weight, and the harm arising from the unsustainable location of the site should (also) be accorded considerable weight”. And refuse the application.*
- *Arncott Parish Council consider that the proposed development constitutes development within the open countryside which would appear as an intrusive feature detracting from and to the detriment of the character and appearance of the area contrary to the sustainable development criteria. The site is remote from local services and residents would be largely dependent on the private motor car for day to day needs.*

- *The Parish Council has noted that the thrust of the Local Plan 2011-2031 is that development should be sustainable and the use of brownfield sites should be a priority. The Council has noted that one of Cherwell District Council's major development sites is Graven Hill, which makes no provision for gypsy and traveller sites. The siting of a traveller site close to a settlement with a greater range of services would be considered more appropriate.*

6.4 AMBROSDEN PARISH COUNCIL object to this application for the following reasons:

- *The site is situated in an isolated location away from local facilities.*
- *In contradiction with para. 25 of the DCLG, Planning Policy for Travellers 2015 which seeks to limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan. The applicant has not considered the use of previously developed land, the site is not well planned and there is a paucity of soft landscaping, there are no opportunities for enhancing the development, no ecological site enhancements are proposed, however the provision of a play area is welcomed, but no details are provided.*
- *Contrary to para. 26 of the DCLG policy 2015 as the proposal is within the open countryside which would be an intrusive feature detracting from and to the detriment of the character and appearance of the area contrary to sustainable development criteria. The site is remote from local facilities and services and performs poorly in terms of sustainability. Residents would be largely dependent on the private car for accessing services.*
- *The local school at Ambrosden is at capacity and many children within the village are forced to attend other local schools.*
- *The doctor's surgery at Ambrosden is running on reduced hours.*
- *The bus service between Piddington and Ambrosden no longer runs.*
- *The harm arising from the proposed development would significantly and demonstrably outweigh the benefits that would accrue from the opportunity of a settled lifestyle.*
- *The site abuts an MOD training facility which regularly uses gun fire and explosions in exercise. There are no proposals to mitigate the proposed development from harm for noise.*
- *The site is too small to provide any mitigation of the impact of the harm created to the open countryside and no buffer strips of planting are proposed.*
- *The site has not been allocated in the Local Plan for development. Cherwell has a full 5 year supply of housing land.*
- *Large number of vacant plots at site nearby (Oakview 2 miles to the south) Is there therefore a need?*
- *The benefits could equally be secured from a site in or near a settlement with access to local facilities.*

- *The development would not represent sustainable development and would result in substantial harm to the surrounding area which is not outweighed by the benefits.*
- *The application is not supported by the following information: (1) Protected species survey (2) Ecological report (3) Archaeological survey.*
- *Suggested conditions if the Council are minded to approve: (1) limit business operations (2) specify number of days allowed for visitors (3) S106 to secure financial contributions to reinstate bus service to Piddington.*

STATUTORY CONSULTEES

6.5 ENVIRONMENT AGENCY **comments letter dated 4th April 2017:**

- *The Environment Agency maintain that the preferred option is for this development to connect to the mains foul sewer. We maintain our advice that individual septic tanks are not recommended.*

6.6 ENVIRONMENT AGENCY **comments letter dated 1st March 2017:**

- *The applicant proposes to use a separate septic tank for each of the 16 plots on the site. We discourage the use of non-mains drainage solutions where it is feasible to connect to the main foul sewer, which is a significantly more sustainable solution. Septic tanks require regular maintenance and emptying by road tanker to ensure that they do not discharge poor quality foul effluent into the environment. We note that the applicant has also considered the use of small sewage treatment or package treatment plants instead of septic tanks. Whilst a more sustainable solution, there are still significant maintenance issues to be considered with such a solution. The preferred option is always to seek connection to the main foul sewer in the first instance.*
- *Our maps indicate that the nearest foul sewer is approximately 250m from the site entrance (following the route of the roads) close to the junction of the B4011 and Palmer Avenue. However, the applicant should seek confirmation from Thames Water about the nearest available foul sewer to connect to.*
- *The use of septic tanks would require an Environmental Permit from us for each septic tank and we may not grant a Permit unless it can be demonstrated that it is not feasible to connect to the main foul sewer. We would strongly advise that the applicant contact Thames Water to discuss possible options to connect to the main foul sewer and amend their application to take this into account. Suggested planning note to advise applicant of the need to apply for a permit for the proposed septic tanks*

6.7 ENVIRONMENT AGENCY **comments letter dated 21st February 2017:**

- *New development should be connected to the public mains (with prior written approval of the statutory undertaker) where possible. Proliferation of individual treatment plans can cause deterioration in local water quality (ground and surface water). This would be contrary to the principles of the EU Water Framework Directive.*

6.8 BERKSHIRE, BUCKINGHAMSHIRE AND OXFORDSHIRE WILDLIFE TRUST (BBOWT) **No principle objection, but the following issues need to be considered:**

- *The application comprises an agricultural field with native hedgerows defining the northern and southern boundaries. Native hedgerows are a Priority Habitat and as such are important habitats in their own right as well as acting as essential connectors for species. In addition, TVERC (Thames Valley Environmental Record Centre) holds a number of species records for the wider area including records of two rare butterfly species, which depend on the presence of native hedgerows.*
- *In line with para. 118 of the National Planning Policy Framework (NPPF) and Local Plan policy ESD10 it is considered important that the nature conservation interest is adequately considered and conserved. A net gain of biodiversity should be delivered.*
- *It is important that any removal of hedgerows is kept to a minimum and carried out outside the bird nesting season to ensure that no offence under the Wildlife and Countryside Act.*
- *Important that a sufficiently wide buffer is provided between the hedge and any hard-standing to ensure that potential impacts on hedges or trees are minimised. I suggest a minimum distance of 5m between any development and the base of the hedge. This distance should be applied to the new hard-standing proposed alongside the existing hedgerow adjacent to the road.*
- *A net gain for biodiversity is required by national and local planning policies and this could be achieved by integrating biodiversity enhancing measures such as hedgerow planting. Sufficient space is needed to allow for new hedgerow planting and a Landscape and Ecological Management Plan (LEMP) required.*
- *It has been brought to our attention that the site might be subject to flooding which has not been considered in the application. It is recommended that further information in respect of drainage is sought.*

6.9 OXFORDSHIRE COUNTY COUNCIL (DRAINAGE AND TRANSPORT) Objection on the grounds of lack of information regarding drainage and vehicle tracking:

- *The applicant needs to provide a full drainage strategy together with the required statistical data.*
- *Vehicle tracking analysis needs to be supplied which shows that a mobile home and caravan can safely enter, turn in, and leave the site in a forward gear.*
- *Vehicle tracking analysis needs to be submitted, which needs to show that a refuse vehicle of not less than 11.4m in length can safely enter and exit the development in a forward gear.*
- *The improved vehicle access should have a 10m radii and have a width of 4.8m. Any gate proposed should be set 16m into the site from the southern edge of the carriageway.*
- *Based on the speed survey submitted the highway authority is content that required visibility splays can be achieved.*
- *The applicant has not provided any indication of the drainage facility for the new hard-standing area. Also, there does not appear to be any consideration*

of the requirement to mitigate for the increase in surface water runoff that may be accrued by the hard-standing area being built on a green field.

- *From the plan provided it appears that the main access road through the site maintains a consistent width of 5.5m. However, the applicant needs to provide vehicle tracking analysis which should show that all vehicles likely to be used by travellers can safely enter and exit the development in a forward gear and can manoeuvre in and out of pitch areas.*
- *The applicant has not indicated where refuse will be stored and collected on any of the attached plans, and needs to provide vehicle tracking which shows that a refuse vehicle of not less than 11.4m in length can safely enter and exit the development in forward gear. If normal size refuse bins will be used, then a refuse lorry must be able to get within 25m of the waste collection point. If larger bins than this are to be used, then a refuse lorry must be able to get within 5m of the collection point.*

6.10 OXFORDSHIRE COUNTY COUNCIL (EDUCATION):

- *OCC is not seeking education contributions to mitigate the impact on this development on infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), and the need to reserve our ability to seek contributions for larger developments than this in the area in the future.*
- *For early years settings, there is currently anticipated to be sufficient provision in the area for the children generated by this proposed change of use.*
- **Primary** – *The primary school serving this area is Five Acres in Ambrosden, which also serves the local MoD population – numbers are therefore volatile. As of the October 2016 pupil census the school had 346 pupils on roll, against a total capacity of 420 places, but some year groups are full. The school currently relies on temporary accommodation to provide 60 of its places, and therefore only has 360 places in permanent accommodation. If this proposed development is permitted it would normally have been expected to contribute towards the cost of providing additional permanent accommodation at the school, either to replace the current temporary accommodation, or to further expand the school, should this be required as a result of local population growth. However, in this instance no contributions are required.*
- **Secondary** – *Bicester Secondary Schools currently have spare capacity, but this will be filled as the higher numbers now in primary school feed through. The large scale housing development planned for the town will require new secondary school establishments, which are planned for SW Bicester and NW Bicester.*
- **Special** – *Bardwell School admits from Bicester, Kidlington and surrounding villages. A recent £1m capital project has expanded permanent accommodation. Given the scale of planned housing growth in this area, further additional SEN capacity is likely to be needed in due course.*
- **Early Years** – *Existing settings in Lower Arncott and Ambrosden suggest that the existing provision has the capacity required to meet additional demand for spaces created by this and other housing developments in the area.*

6.11 OXFORDSHIRE COUNTY COUNCIL (PROPERTY):

- *The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its community infrastructure. However, OCC is not seeking property contributions to mitigate the impact of this development on infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended).*
- *The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. It is suggested that a condition seeking details of the provision of hydrants in accordance with the Fire & Rescue Service as a condition to the grant of any planning permission.*

6.12 THAMES WATER **comments on the proposal:**

- *The nearest foul sewer connection is MH7501 near Palmer Avenue. Connection to this site may only be possible by pumping (this needs to be confirmed) and a railway line needs to be crossed.*
- *Thames Water would require confirmation of the peak foul water flow to be discharged as well as how foul water is discharged to the nearest sewer; i.e. gravity or pumped to enable us to assess the impact on this site on the sewer.*

NON-STATUTORY CONSULTEES

6.13 DEFENCE INFRASTRUCTURE ORGANISATION **Object to the proposed development:**

- *The MOD owns large areas of the adjacent land where training takes place with the use of small arms ammunition (blank) and the use of pyrotechnics including illumination types and noise simulation can be used. It is envisaged that the current level of use of the site will only increase in the future.*
- *Of particular concern is the appropriateness of the site for a residential caravan site due to possible impacts from noise and vibration from the adjacent MOD training areas. As such it is suggested that a Noise Impact Assessment is produced to support the assessment of the applications. As you will be aware, due to their design, residents in caravans can be more vulnerable to noise impacts than those who live in other types of dwelling.*
- *The Piddington Training area is used frequently during the week and weekends.*
- *The issue of noise should constitute a material planning consideration in respect of any planning application for the site. The MOD would welcome the submission of a noise assessment document in support of the planning application and welcome to opportunity to comment on the assessment. Paragraphs 109 and 120 of the NPPF which relate to adverse impact from noise pollution should be taken into account.*
- *The MOD has also commented that a water mains serving the training site passes through the site and is a private water supply.*

6.14 CHERWELL DISTRICT COUNCIL PLANNING POLICY:

- **No objection in principle** subject to detailed consideration of, *inter alia*, landscape impact, highway safety and the impact of this development on the nearest settled community.
- The adopted Local Plan 2011-2031 provides to meet the identified need for pitches for gypsies and travellers. The Government Planning Policy for Traveller Sites (August 2015) will need consideration in relation to impact of the development, alternative sites and personal circumstances and sustainability. Policy BSC6 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 28 pitches. (2016 AMR).
- At 31 March 2016, the total supply of Gypsy and Traveller pitches was 61. A net loss of 15 pitches is expected by the end of the monitoring year 2016/17 due to the on-going closure of the private site at Milton. Projected new supply in 2017/18 from permitted sites should increase supply to 57 pitches which still represents a net loss of 13 pitches since April 2012. The district does not presently have a 5 year supply of pitches for Gypsies and Travellers. The current published five year land supply position for gypsies and travellers is reported in the 2016 AMR and is currently reported as a -1.1 year supply for gypsy and travellers for the period 2016-2021. The AMR further reports that for the period 2017 to 2022 the supply is 1.6 years which includes a loss of 20 pitches and also includes permission granted for 11 pitches expected to be delivered during 2017-2018.
- There is a current need to identify new supply. Policy BSC6 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 Arncott which is a Category A village, one of the more sustainable villages in the District (Policy Villages 1). From a locational perspective, the proposal complies with Policy BSC6. However, detailed assessment will be required including through the application of the policy criteria for assessing the suitability of sites. This is a relatively large site located in open countryside. There are mature hedges along to north and southern boundaries however, the east and west boundaries are poorly defined with little or no significant vegetation. Detailed consideration of potential visual and landscape impact will, in particular be required, as well as highway safety.
- In considering the suitability of this site for travellers regard must also be had to Policy H of the Governments 2015 Planning Policy for Travellers Sites.

6.15 CHERWELL DISTRICT COUNCIL ECOLOGY OFFICER **comments dated the 6th April 2017:**

- The PEA was undertaken in February which is a sub-optimal time of year to undertake a grassland assessment as many species are not visible. It may be possible that the grassland is of higher ecological value than has been identified and only a survey during the optimal time of year (Late May to July) would fully establish this.
- Pond 1 which has been identified as being of average suitability for Great Crested Newts (GCN) lies 30m to the east of the site. It is advised that the

pond be surveyed to establish if GCNs are present. A survey will establish the potential impact of the development on GCNs. The application site includes suitable terrestrial habitat for GCN. The survey needs to be carried out at the appropriate time of year (mid March –mid June) and appropriate mitigation measures recommended.

- The proposed development replaces existing grassland with hard standing and therefore the ecologist has recommended a biodiversity impact assessment to determine if there is a biodiversity loss caused by the development and if so mitigation for this loss should be included in the proposed scheme and be secured by condition.*

6.16 CHERWELL DISTRICT COUNCIL ECOLOGY OFFICER comments dated the 27th February 2017:

- In terms of the impact on hedgerows, it is good that the majority of the roadside hedgerow will be retained and protected. Ideally if a buffer zone of at least 2-3 m in width can be retained alongside all boundary hedgerows and the hedgerows be protected within the development then there should be no adverse impacts on the hedgerows. However as there could be other protected species present, e.g. badgers, or other issues such as the presence of invasive non-native plant species, a Preliminary Ecological Appraisal (PEA) is still recommended as this will include an assessment of the potential for the proposals to impact on such species. I understand that access to land outside of the applicant's ownership may not be possible, but it is standard practice that the applicant's ecologists request permission to access ponds outside application sites.*
- In the first instance I would recommend a PEA and a great crested newt Habitat Suitability Index (HSI) assessment of ponds in the local area (should permission be granted to access them) and an assessment of the existing newt terrestrial habitat. If the ponds are suitable, further surveys will be required. These are restricted to between March and June when newts are present in the ponds (at other times of the year they largely spend on land) and comprise of 4-6 survey visits to determine presence/absence and population size. A recently developed survey technique using environmental DNA (eDNA) can be used to determine presence/absence, however should newts be present further surveys will still be required to determine the population size.*

6.17 CHERWELL DISTRICT COUNCIL ECOLOGY OFFICER comments dated the 13th February 2017:

- There are several protected species records in the vicinity of the site. The existing site appears to comprise of existing grassland with mature field boundary hedgerows on the northern and southern boundaries of the site. These are habitats which have potential to support a number of protected species. There appear to be a number of ponds within the local area of the site and these may be suitable for breeding great crested newts. As such we would recommend that prior to determination of the application, a Preliminary Ecological Appraisal (PEA) is completed by a suitably qualified ecologist and submitted to the LPA for approval to provide a full assessment of the potential impact of the development on protected species and habitats, including the existing hedgerows. The PEA should include a hedgerow survey against the criteria under the Hedgerow Regulations (1997) to determine if they qualify as 'important' under the Regulations and suitable protective measures and buffers to the hedgerows included in the layout.*

- *Although we would welcome the proposed hedgerow creation on the western and eastern boundaries of the site, the planting should comprise of native species only and will require an appropriate buffer of at least 2m from the edge of the hedgerow to the area of development. Great crested newt Habitat Suitability Assessments (HSI) of the ponds will be required in the first instance, however further presence/absence surveys may be required should the ponds be suitable which can only be carried out during the survey season (approx. May to June).*

6.18 **CHERWELL DISTRICT COUNCIL ENVIRONMENTAL PROTECTION comments dated the 5th April 2017:**

- **Objection** due to lack of information in the form of a noise survey report to consider the impact of the nearby MOD training facility on the proposed used and future residents of the site.
- Comments received on the 2nd February originally raised no objection as the Environmental Protection Officer was not aware of the location of the training facility close to the site.

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
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD8 – Water Resources
- 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 Open 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 should be 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
- CDC Annual Monitoring Report 2016 (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)
- Cherwell District Council Statement of Community Involvement (July 2016)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principal of Development;
- Gypsy and Traveller Pitch provision and 5 year supply position;
- Visual Impact and Effect on Landscape Character;
- Access and Highway Safety;
- Flood Risk, Drainage and Pollution
- Residential Amenity and Noise
- Ecology
- Other Matters (incl. agricultural land classification)

Principal of Development

8.2 Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption in favour 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) (which revises the original 2012 guidance) and should be read in conjunction with the NPPF.

- 8.5 A Government Briefing Note issued in January 2016 “Gypsies and Travellers: Planning Provisions” sets out the current 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 dependant’ education 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 for members of the travelling community. The supporting statement submitted with the application does not identify individual travellers who are expected to occupy the site, however, it does make reference to the closure of Newlands Caravan Site, just outside Bloxham, with the loss of 36 pitches and that there is a substantial need for additional pitches in Cherwell and this proposal will go some way to addressing that identified need. The applicant has stated that the site would be used by gypsies and travellers and each pitch is proposed to accommodate a touring van and a mobile home. The gypsy/traveller status of future occupiers can be secured by a condition of any consent if planning permission is 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 The European Convention of Human Rights is still in force to date, despite the referendum last year where the United Kingdom opted to leave the European Union. Under Article 8 there is a positive obligation to facilitate the gypsy way of life (paragraph 96 of Chapman v UK (2001)) as gypsies and travellers are identified as a specialist group. The statement submitted with the application identifies that the proposal is for a residential caravan site for gypsies and travellers and the proposed development therefore provides new accommodation for the gypsy and traveller community with the Cherwell District. Therefore the contribution the site makes to facilitating the gypsy way of life weighs in favour of the proposal.
- 8.10 Policy H of the Government PPTS states that LPAs should consider the following matters when considering proposals for gypsies and travellers:
- (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 the 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 Policy BSC 6 of the Cherwell Local Plan Part 1 states that to meet the identified need for new travellers pitches in the District during the plan period, 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 through planning permissions that will be granted for suitable traveller sites. Policy BSC6 also goes on 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.*

- 8.13 The site of the proposal is located within 3km from Arccott, a village which is identified under Policy Villages 1 of the Cherwell Local Plan as a Category A village, which allows for minor development, infill and conversion. 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 of the proposal is located approximately 2.5km by road from Arccott and therefore the site meets the first criteria as set out in Policy BSC6 relating to the sequential test for the siting of sites. However this does not mean the proposal is *de facto* acceptable in principle as Policy BSC6 also requires the assessment of the suitability of sites with reasonable accessibility to services and facilities by considering the additional criteria as set out above.
- 8.14 Whilst Arccott has a shop, chapel, village hall, sports field and 2 pubs, it is acknowledged that comments from the Parish Councils and a number of the residents of Piddington have raised concerns in relation to the sustainability and suitability of the site. It is recognised by officers that Arccott is not the most sustainable of the Category A villages as it does not have as many services and facilities as a number of the other Category A settlements. Having said that, the village does have a regular bus service between Bicester and Oxford which also stops on the B4011 just 150m from the application site. The site is also located 3.5km from Ambrosden where there is a wider range of services offering a primary school, shop, public house and part time surgery. That said the nearest village is Piddington which is a category C village and so one of the least sustainable villages in the District in terms of access to services, public transport and facilities.
- 8.15 Criteria (a) of Policy BSC 6 considers access to GP and other health services; the nearest GP surgery to the site would be the part time surgery at Ambrosden, located 3.5KM away. In order to access this service from the proposed site residents could use public transport; however, due to the restricted hours that this surgery operates and the limitations of the bus service it may be difficult for residents to rely on public transport and it is likely they will rely on the private car or travel further afield to access a full time service. It is considered by officers that the accessibility to GP and other health services would weigh against the proposal in assessing it against the sustainability and suitability criteria.
- 8.16 Criteria (b) considers access to schools; the nearest primary school is located at Ambrosden which is 3.5KM away a distance which is likely to be travelled by the private car as opposed to alternative modes of transport. It is considered by officers that whilst the site has access to education which would weigh in favour of the proposal, the weight to be attributed to this when assessed against the sustainability and suitability criteria is reduced given the distances involved.
- 8.17 Overall it is considered by officers that the location of the site is not the most sustainable location for a new gypsy and traveller site and whilst it does meet the sequential test for siting in relation to a Category A village, accessibility to services and facilities is limited with a reliance on the private car.
- 8.18 Furthermore, the site proposed comprises 16 pitches, which is considered a large site for gypsy and travellers within Cherwell, as the site has the potential to

accommodation 16 families and potentially over 60 individuals if there are 4 people per pitch. Therefore a site of this size should be located in a more sustainable location to ensure it meets the requirements of Government guidance in the NPPF and the PPTS. In this case due to the size of the site and its open countryside location with access to only limited services the site is not considered to be a sustainable location and this would be considered to weigh against the proposal when considered in light of the sustainability criteria set out in the NPPF and Policy H of the PPTS.

- 8.19 The additional criteria set out in Local Plan policy BSC 6 to be considered in assessing the suitability of sites will be set out in the topics and chapters below. In assessing the overall principal of the proposed development the unmet need for gypsy and traveller pitches within Cherwell and the lack of a 5 year supply of gypsies and travellers must also be weighed against the sustainability and suitability of the site; this is considered further below.

Gypsy and Traveller Pitch provision and 5 year supply position

- 8.20 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 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.
- 8.21 The most recent Annual Monitoring Report (AMR) 2016 (March 2017) outlines that at the 31st March 2015 the total number of authorised pitches in Cherwell for Gypsies and Travellers was 61 and the requirement for pitches within the period 2016-2031 is a need for 28 pitches. It states that the District currently has a -1.1 year land supply for gypsies and travellers for the period 2016-2021 (down from 2.9 for the period 2015-2020) and a 1.6 year land supply for the period of 2017-2022. The AMR further outlines that there is an overall requirement for an additional 28 pitches over the plan period (taking into account all those pitches that are anticipated to be lost in the period 2016-2021). It is worth highlighting that the 11 new pitches that were approved at Corner Cottage and The Stable Block in Mollington last year (ref: 16/01740/F and 16/01760/F) have been factored into the land supply in the AMR and are expected to be delivered during 2017-2018.
- 8.22 Given the above evidence there is clearly an identified need for additional gypsy and 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 has been compounded with the closure of the Smith's Traveller site (Newlands Caravan Park) at Bloxham on the 31st January 2017; this will result in the loss of 36 previously authorised pitches and this has been factored into the latest AMR. 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 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.

Visual Impact and the Effect on Landscape Character

- 8.23 Policy ESD13 of the Cherwell Local Plan seeks new development which respects and enhances the character and appearance of the landscape, including securing appropriate mitigation if harm 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.*
- 8.24 Policy ESD15 states that *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design.”*
- 8.25 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.
- 8.26 Policy C of the Government PPTS advises that when assessing the suitability of sites in rural and 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 Piddington, with a population of approximately 370, is the nearest settled community being some 1km to the east of the site.
- 8.27 The site is currently bounded by a mature native hedgerow to the northern boundary which measures approximately 2.5 metres in height. The existing hedgerow currently screens views into the site from Widnell lane apart from at the point of the access, due to the gap in the hedge, views can be achieved into the site when stood at the access. There are limited views of the site from the wider surroundings. The site cannot be seen from the B4011 due to a high mature hedgerow which bounds the field boundary adjacent to this road. Furthermore, due to the flat nature of the site itself and the surrounding landscape along with the mature hedgerow boundary features in the locality views into the site are limited only to very localised views from Widnell Lane and distant views of the site from the surrounding area are extremely limited. Subject to approval of a suitable landscape scheme including additional planting to the eastern and western

boundaries of the site, the proposal is therefore considered by officers to cause limited harm to the rural character and appearance of the landscape.

- 8.28 Regarding whether the proposal would dominate the nearest settled community, the site is located approximately 1km from Piddington and is therefore not visible from the village and furthermore, would not be a prominent feature within the surrounding landscape due to existing hedgerows and proposed planting which would offer screening to the site. Officers are therefore of the opinion that due to the siting of the proposal it is not considered to be of a scale that would dominate the nearest settled community.
- 8.29 The application proposes a significant amount of new native hedgerow and tree planting to the eastern and western boundaries of the site and additional hedgerow and tree planting within the site. This proposed new hedgerow planting is welcomed as it will provide a natural buffer to the development helping to maintain and enhance the local character of the area in accordance with Policy ESD13 of the Cherwell Local Plan.

Highway impact and access arrangements

- 8.30 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.”*
- 8.31 The Local Highways Authority (LHA) has objected to the proposal, in relation to the lack of information to demonstrate that the site can be entered and manoeuvred in by a large 11.4m refuse vehicle and a vehicle needed to empty septic tanks, allowing the vehicles to leave the site in a forward gear. This is to ensure that the adjacent highway is not obstructed by large vehicles required to visit. This information has not been forthcoming and the application is not supported by this information. However, the proposed layout allows for a 5.5m wide road way which follows a loop around the whole of the site, which could be controlled as a one way loop if required. Therefore it is officers' opinion that the concerns held by the Local Highway Authority in relation to manoeuvrability within the site can be overcome by a condition which requires tracking details of an 11.4m refuse vehicle and suitably sized vehicle for maintenance of the septic tanks, and suitable management arrangements of the road way through the site to ensure no blockages within the site which could lead to hold ups within the adjacent highway.
- 8.32 The Local Highway Authority are content with the improvements to the site access which provides suitable visibility splays of 2.4 metres x 58 metres to the west and 2.4 metres by 100 metres to the east. The visibility splays provided are based on speed surveys carried out on the section of Widnell Lane where access to the site is located. The Local Highway Authority have also pointed out that there is a 3-4m width of verge along the frontage of the site for the length of the required visibility splays. This is to the north of an existing drainage ditch and is therefore within the highway boundary. Therefore, the Local Highway Authority is confident that the required visibility splays can be achieved. Based on the above it is the officers' opinion that the proposed development would not harm highway safety.

- 8.33 Some of the third party comments have raised concern with vehicles exiting the site to the right and travelling through the village of Piddington onto the A41 towards Aylesbury. Concerns regarding safety were raised in terms of Lower End being a single track road and more traffic along Widnell Lane. The visibility splays at the access are adequate and ensure safety on Widnell Lane when leaving and entering the site. Due to the location of the site close to the B4011, it is likely that the majority of trips will turn left out of the site then right onto the B4011. If vehicles do turn right out of the site and travel through Piddington village to access the A41, this is a public highway which comprises passing bays to the north of the village and the speed through the village is restricted. As such the Local Highway Authority have advised that the safety of road users using this route would not adversely affect highway safety.
- 8.34 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 by way of an appropriate condition if the application was to be approved.
- 8.35 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 of the waste storage/collection area.
- 8.36 Thus, given the above, officers consider that the proposal would benefit from suitable access in safety terms and would not cause detrimental harm to the safe and efficient operation of the highway subject to conditions.

Flood Risk and Drainage

- 8.37 Policy ESD6 of the Cherwell Local Plan outlines that the Local Planning Authority will manage and reduce flood risk in the District through using a sequential approach to development; locating vulnerable developments in areas at lower risk of flooding. Development will only be permitted in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and the benefits of the development outweigh the risks from flooding.
- 8.38 Policy ESD6 expects a site specific flood risk assessment to accompany development proposals where the development site is located in an area known to have experienced flooding problems. *Flood risk assessments should assess all sources of flood risk and demonstrate that:*
- *There will be no increase in surface water discharge rates or volumes during storm events up to and including the 1 in 100 year storm event with an allowance for climate change (the design storm event)*
 - *Developments will not flood from surface water up to and including the design storm event of any surface water flooding beyond the 1 in 30 year storm*

event, up to and including the design storm event will be safely contained on site.

- 8.39 The application proposes the use of septic tanks draining to a soak away, to deal with the foul water at the site. A separate septic tank is proposed for use on each of the 16 plots. In terms of surface water drainage on the site, the application is supported by limited information and does not provide a drainage solution for surface water.
- 8.40 The northern part of the application site is identified on Oxfordshire County Councils Flood risk tool kit as having a high to medium risk of flooding from surface water. The application has not been supported by a flood risk assessment or drainage strategy for the site. Porosity tests were carried out at the site and the results demonstrated a mean percolation value of 99 which, according to guidelines, is just inside the acceptable value for soakaway construction. The outer acceptable limit is 100. Due to the border line results it is advised by the drainage company who carried out the percolation tests, against installing a soakaway and to use an alternative drainage solution.
- 8.41 The Environment Agency have made comments on the application and have advised that the use of septic tanks and non-mains drainage solutions are discouraged, where it is feasible to connect to the main foul sewer, which is a significantly more sustainable solution. Septic tanks require regular maintenance and emptying by road tanker to ensure they do not discharge poor quality foul effluent into the environment. However the advice of Thames Water appears to indicate that it may not be practical to connect to the main foul sewer due to the need to install a pump and cross a railway.
- 8.42 Oxfordshire County Council has raised an objection to the application in relation to surface water drainage and foul drainage. In terms of surface water drainage the applicant has supplied soakage test results for the site, which appear to show infiltration techniques to ground will not be a viable option to be used at the site. However, the application is still not supported by a suitable strategy to deal with surface water runoff at the site and therefore it has not been demonstrated that the proposal would not lead to increased surface water flooding in the vicinity and downstream of the site. In terms of foul drainage the County Council consider the use of septic tanks at the site and connection to a soakaway, without treatment of the sewage is not acceptable as this could lead to pollution of the local water courses. The application has not been supported by a suitable strategy to deal with foul water and has therefore not demonstrated that the proposal does not pose a risk to pollution of the local water source.
- 8.43 The proposed development due to lack of information regarding surface and foul water drainage and the known problems with surface water flooding experienced in the area is therefore considered by officers to be contrary to Policy ESD6, ESD7 and Policy ESD8 and criteria (c) of Policy BSC6 of the Cherwell Local Plan.

Residential amenity and noise

- 8.44 Paragraph 17 of the NPPF notes that planning should always seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.45 Paragraph 120 of the NPPF states that *“To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or Proposed Development to adverse effects from pollution, should be taken into account”*.
- 8.46 Saved Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke and others types of environmental pollution will not normally be permitted.
- 8.47 Policy ESD15 of the adopted 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.”*
- 8.48 The site is located 125 metres from an agricultural dwelling to the south east of the site. The separation distance between the proposal and the dwelling is considered sufficient to ensure that the proposed use of the site as a residential caravan site would not cause undue harm to the occupiers of the nearby dwelling.
- 8.49 The site is also located 125 metres from an agricultural building housing cattle. This nearby agricultural use has the potential to create unwanted odour which could affect the proposed residential caravan site. However, the agricultural use is already established and, taking account of the prevailing wind direction (south-westerly), is considered to be a suitable distance away not to cause odour that will adversely harm the residential amenity of any future occupants.
- 8.50 With regard to the layout of the proposal, the proposed pitches would measure a minimum of 17m by 17m, which is considered by officers to be of a sufficient size to allow for the siting of a mobile home and touring van and would allow for privacy and amenity space for each pitch. The proposed layout is not considered to be overcrowding of the site.
- 8.51 The site is located 200 metres from a Ministry of Defence (MOD) training area known as Piddington Training Area. This training area is used by the MOD for a variety of exercises using small arms ammunition (Blank) and the use of pyrotechnics including illumination types and noise simulation. The site is used frequently during week days and at weekends for a variety of exercises. This type of use which generates noise and disturbance could cause undue harm to the residents of the prosed site, particularly due to the nature of the residential caravans which offer little noise attenuation due to their light weight construction. The Council's Environmental Protection Officer has been consulted on the application and has been provided with a copy of the comments received from the MOD.

- 8.52 The Environmental Protection Officer did not raise an objection to the initial consultation, however, at that time he was not aware that the site was 200m away from a MOD training facility which is used regularly and uses pyrotechnics including illumination types and noise simulation. Following the concerns raised by the MOD, the Council's Environmental Protection Officer has recommended that a noise survey be carried out to provide further evidence to demonstrate the potential impact on the proposed residential use. Without this information the application has not adequately demonstrated that the proposal would not be adversely affected by the activities taking place at the nearby MOD training facility. Officers therefore consider that the proposed development is contrary to Policy ESD15 of the adopted Cherwell Local Plan Part 1 and saved Policy ENV1 of the Cherwell Local Plan 1996 as it has failed to demonstrate that the future residents of proposed development would not be unduly harmed by the nearby MOD training facility. It would also conflict with criteria (e) of Policy BSC6 of the Cherwell Local Plan.
- 8.53 The site is located 350m to the west of the community park which is used by the residents of Piddington Village. The distance between the proposed site and the existing community park is considered adequate to ensure that no adverse impact is caused to the users of the community park from noise and disturbance generated by the proposed use.

Ecology

- 8.54 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, contributing to the Government's aim to halt the overall decline in biodiversity.
- 8.55 Paragraph 118 of the NPPF seeks to "...conserve and enhance biodiversity by applying, amongst others, the following principles:
- *If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused*
 - *Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted*
 - *Opportunities to incorporate biodiversity in and around developments should be encouraged*
- 8.56 Policy ESD10 seeks to protect and enhance biodiversity and the natural environment, by achieving a net gain in biodiversity, through supporting developments which incorporate features to encourage biodiversity.
- 8.57 The site is an open agricultural field currently comprising rough grass land which has the potential for some ecological value. Great Crested Newts (GCN) have been recorded in the vicinity of the site and Brown and Black Hairstreak butterflies have also been recorded. As the proposed development will replace the existing

grass land with permeable hard standing or a loose chipping surface material, the proposed works are likely to result in a loss to biodiversity.

- 8.58 A Preliminary Ecological Assessment of the site was undertaken in February which concluded that the site was of low wildlife interest. The Council's Ecologist has provided comments on the submitted Ecological Appraisal and advised that the survey was carried out at a sub-optimal time of year for grassland habitats. Therefore, due to the time of year the survey was carried out it may be possible that the grassland is of higher ecological value and only a survey during the optimal time of year (late May to July) would fully establish this. Without full understanding the ecological value of the site it is impossible to accurately identify any required mitigation or biodiversity enhancements to be incorporated into the proposed development that in turn might impact on the layout and the number of pitches that can be accommodated. The proposed development does include two linear sections of native hedgerow to the east and west boundaries, which will offer some biodiversity improvement, however without understanding the ecological value of the grassland site it is impossible to identify any other biodiversity enhancements required and therefore the development does not demonstrate compliance with Policy ESD10 and the NPPF.
- 8.59 Furthermore, GCN have been recorded within the vicinity of the site and the Preliminary Ecological Survey identified a suitable pond 30m away from the application site. The Council's Ecologist has advised that taking into account the distance of the pond from the site, the average suitability of the pond, and the recent records of GCN within the surrounding area a GCN survey should be carried out of the pond to establish the potential impact of the development on GCN.
- 8.60 In summary the Ecologist has asked that the application is supported by a detailed assessment and Biodiversity Impact Assessment calculation undertaken by the consultant ecologist with onsite mitigation included and a GCN survey of the pond to the east to establish if there is a GCN presence and how mitigation will be incorporated into the development to ensure biodiversity enhancement of the site. Currently the application is supported by inadequate information to establish the impact of the proposed development on biodiversity and where the proposed development receives a biodiversity gain in accordance with Policy ESD10 and guidance in the NPPF.

Other Matters

- 8.61 A number of the third party comments have highlighted that the land to which the application relates is grade 3 and 4 agricultural land. Grade 3 is good to moderate agricultural land and grade 4 is poor quality agricultural land. Concerns have been raised that the proposed development would lead to the loss of good quality agricultural land, however, the area of land is not an excessively large area of agricultural land and is not of the highest quality. Therefore, the change of use of this piece of land would not result in the loss of a significant amount of high quality agricultural land and officers consider the loss of agricultural land would not be significant to cause harm due to the loss of this piece of land to an alternative use.
- 8.62 There is currently a gypsy and traveller site to the south of Arcott, known as Oakview Park. This site has been referred to in a number of the third party comments as a site which is currently providing pitches nearby. This site has a complex planning history and benefited from a temporary permission for the site for 19 residential gypsy and traveller pitches, which expired in 2012. A further application to retain the use of this site for 19 gypsy and traveller pitches was refused on the 18th August 2016 and there has been no appeal lodged. Therefore,

this site is currently unauthorised and cannot contribute to the number of gypsy and traveller pitches currently available. Furthermore, this site is located outside of the Cherwell District and is not considered within the calculation for current gypsy and traveller provision within Cherwell. A further site at Worminghall (8km from the proposed site at Piddington) was referred to in some of the third party comments as a site which was providing gypsy and traveller provision in close proximity to the proposed site. This site is located 8km from the proposed site and is also outside of Cherwell District and is therefore not considered as part of the gypsy and traveller provision within Cherwell.

- 8.63 Oxfordshire County Council have been consulted on the application and have responded in relation to identifying mitigation for the impact of the development on education provision, and additional strain caused by the development on existing community infrastructure. Oxfordshire County Council have advised that they will not be seeking contributions in relation to education, transport improvements or community improvements due to the relatively small scale of the proposal which would not be considered to cause an adverse impact on existing community facilities and therefore the County Council will reserve their ability to seek contributions for larger developments than this in the future.
- 8.64 In terms of Cherwell District Council contributions that may be sought through a Section 106 agreement it is considered by officers that provision for appropriate landscaping including a Local Area for Play (LAP) and suitable waste and recycling provision, can be secured through a suitably worded condition if planning permission is granted. In terms of affordable housing, the proposed development comprises a specific type of housing development which is addressing an existing need within Cherwell, separate and distinct from standard types of housing provision. Therefore it is not considered appropriate to seek contributions to affordable housing in this case.
- 8.65 A number of comments have been raised regarding whether the site is serviced by facilities including fresh water, mains drainage, and electricity. The planning statement submitted with the application confirms that there are mains water and electricity services already connected to the site. In terms of foul drainage, the main drainage system is currently located approximately 250 meters to the north west of the site at the junction of the B4011 and Palmer Avenue. The ability to connect into the main drainage system would be a complicated and costly exercise and therefore the proposal incorporates the use of individual septic tanks from each of the proposed 16 pitches. The Environment Agency has advised that this is not ideal and this raises some conflict with Policy B6(i).
- 8.66 The submitted application does not include details of lighting proposals for the site. A suitable worded condition can be used to secure appropriate lighting on the site if the application is approved.

PLANNING BALANCE AND CONCLUSION

- 9.1 The proposal seeks permission for the change of use of existing agricultural land to a residential travellers caravan site comprising 16. No pitches. The site is located within 3KM of the category A village of Arcott and 3.5KM from the village of Ambrsoden and benefits from suitable access to the local and wider highway network, and so can be considered under Policy BSC6 of the Local Plan.
- 9.2 In assessing the sustainability and suitability of the site the criteria set out within Local Plan policy BSC6 is relevant in determining the most suitable locations for gypsy and traveller sites.

- 9.3 Criteria (a) considers access to GP and other health services, the nearest GP surgery to the site would be the part time surgery at Ambrosden, located 3.5KM away. In order to access this service from the proposed site residents could use public transport, however, due to the restricted hours that this surgery operates and the infrequent nature of the bus service it may be difficult for residents to rely on public transport and it is likely they would rely on the private car or travel further afield to access a full time service. It is considered by officers that the limited accessibility to regular GP and other health services would weigh against the proposal in assessing it against the sustainability and suitability criteria.
- 9.4 Criteria (b) considers access to schools; the nearest primary school is located at Ambrosden which is 3.5KM away a distance which is likely to be travelled by the private car as opposed to alternative modes of transport. It is considered by officers that the site in terms of sustainability has poor access to education which would weigh against the proposal when assessed against the sustainability and suitability criteria.
- 9.5 Criteria (c) seeks to avoid areas at risk of flooding, in assessing the application it has come to light that part of the site has a medium to high risk of surface water flooding, which could be further exacerbated by slow percolation rates demonstrated by tests carried out at the site. Therefore the proposal does not seek to avoid areas at risk of flooding and furthermore the application does not adequately demonstrate that the proposal would not increase surface water run-off rates and lead to flooding of the site and elsewhere downstream. The application has failed to demonstrate that the proposed development would not lead to additional flooding of the site and further flooding downstream of the site and therefore this matter weighs against the proposed development.
- 9.6 Criteria (d) considers the suitability of the site in relation to access to the existing highway network; in this respect the proposal is considered to be appropriately located without undue harm caused to highway safety.
- 9.7 Criteria (e) considers the potential for noise and disturbance on the future residents of the site. The proposal is located 125 metres from an MOD training facility which regularly uses pyrotechnics during exercises carried out in close proximity to the proposed development. The application has not been supported by additional information to demonstrate that the amenity of future occupants of the site would not be adversely affected by the activities taking place at the nearby MOD site and therefore the potential impact from noise weighs against the proposals.
- 9.8 Criteria (f) seeks to ensure harm to the historic and natural environment is limited. In this case the application has not been supported by adequate information to demonstrate that harm will not be caused to the natural environment and protected species and does not identify any potentially required mitigation. In this case potential harm to protected species and the lack of identified mitigation weighs against the proposed development.
- 9.9 Criteria (g) seeks to ensure that proposals provide for a satisfactory living environment, the application has not demonstrated whether this criteria can be met as there is uncertainty as to the impact the nearby MOD training facility will have on future occupants without further information in the form of a noise report.
- 9.10 Criteria (h) seeks to ensure that efficient and effective use of land is made, in this case the current agricultural land is rated moderate to good, which will be lost by the proposed development, however, it is considered that the amount of agricultural land lost and the quality of the land would not be a significant loss.

- 9.11 Criteria (i) considers the likely deliverability of the proposal, including whether utilities can be provided on the site. The application indicated that both mains water and electricity are available on the site. The site is not connected to mains drainage and currently the proposal seeks the use of 16 septic tanks. The EA have advised that a connection to mains drainage should be provided if possible, however, in this case mains drainage is 250 metres away across a railway line, so connection could be problematic and costly. However, the current application has been supported by information detailing the use of septic tanks to a soak away which is not acceptable due to the slow percolation rates, and therefore currently the application is not supported by information which demonstrates that suitable services can be provided without undue harm to the local environment. Therefore, the potential risk of surface water flooding and the risk of pollution into the watercourse from the use of septic tanks weighs against the proposed development in assessment against the criteria.
- 9.12 Criteria (j) looks at the existing level of local provision for gypsy and travellers across the Cherwell District. It has been identified above, at para. 8.12, 8.13 and 8.14, that there is a significant unmet need for gypsy and traveller pitches across the Cherwell District. The latest Annual Monitoring Report advises that there is currently a -1.1 year supply of pitches for the period 2016-2021. The current level of need across Cherwell District weighs heavily in favour of the proposed development which would provide additional pitches to meet the unmet need. Officers consider that significant weight should be given to current unmet need of gypsy and traveller sites within the District.
- 9.13 Criteria (k) considers the availability of alternative sites for the applicant. In this case no alternative sites have been considered and the application is not supported by any information about individuals that are interested in occupying the site if it is approved. However, there is an identified need for pitches which this application goes some way towards addressing and weight must be attached to this.
- 9.14 In conclusion, there is clearly an unmet need for gypsy and traveller pitches in Cherwell which must be weighed against the suitability of the site in sustainability terms for a gypsy and traveller site. The site is located within 3KM of a category A village, however, Arncott is not one of the most sustainable Category A villages within the district and offers limited services for the future residents of the site. Other services are provided in the village of Ambrosden but are located 3.5KM away from the site. The nearest settlement, Piddington, is a category C village which is one of the least sustainable settlements in the District.
- 9.15 The site comprises 16 pitches which is a large proposal in terms of the number of individuals who could occupy the site and given the size and the poor sustainability of the site is not considered to be a suitable and sustainable form of development, having regard to the guidance contained in the PPTS which states that new sites in the countryside should be strictly limited. Furthermore, the site suffers from surface water flooding and no drainage strategy has been submitted to demonstrate no further harm to flooding in the vicinity, and inadequate ecological surveys to enable full assessment of the impact on the natural environment have been submitted, and inadequate information in relation to noise impact from an existing use has been supplied. Therefore it is considered that the identified harm caused by the proposed development in terms of the site and the proposal not meeting or demonstrating the requirements set out under Policy BSC6 in terms of sustainability and suitability is significant, and is not overcome by the unmet need for gypsy and traveller pitches within Cherwell.

9. RECOMMENDATION:

That permission is refused, for the following reason(s):

1. The proposed development, by reason of its size (comprising 16 pitches), siting in relation to existing services, risk from surface water flooding, relationship to existing noise generating uses, potential harm to the natural environment and potential to cause pollution to the local watercourse, is not considered to be a suitable or sustainable development when assessed against Policy BSC6 of the Cherwell Local Plan. The harm resulting from the proposed development is significant and is not considered to be outweighed by the identified unmet need for gypsy and traveller pitches within Cherwell. The proposed development is therefore considered to be contrary to Government guidance contained within the NPPF, Policy H of Government guidance in Planning Policy for Travellers Sites (PPTS) and Policies PSD1, BSC6, ESD1, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.
2. The planning application has been supported by inadequate information to demonstrate that the proposed development would effectively manage on site surface water drainage to ensure that the development does not lead to an increase in surface water run-off and would not lead to an increase in flood risk at the site and elsewhere. Furthermore, the development proposes the use of septic tanks and soak-aways, which could lead to pollution of the local watercourse from untreated effluent. The proposed development is therefore considered to be contrary to Policies ESD6, ESD7 and ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the NPPF.
3. The planning application has been supported by inadequate information to demonstrate the impact of the proposed development on protected species has been properly understood and the requirement for mitigation to secure a net gain in biodiversity can be met. The proposed development is therefore considered to be contrary to Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained with the NPPF.
4. The planning application has been supported by inadequate information to demonstrate the impact of existing noise generating uses operating in the immediate area on the future residents of the site has been properly understood and is, or can be made, acceptable. The proposed development is therefore considered to be contrary to paragraph 17, 120 and 123 of the NPPF, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy ENV1 of the Cherwell Local Plan 1996.