

Regulatory Committee - 19 January 2016

**Change of use from a chipping storage site to an
emergency stopping place for up to 12 caravans at:
Land adjacent Oldbury Road, Nr Oldbury,
Warwickshire**

NWB/15CC015

Application No.: NWB/15CC015

Advertised date: 12 November 2015

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Registered by: The Strategic Director for Communities on 09 November
2015

Proposal: Change of use from a chipping storage site to an
emergency stopping place for up to 12 caravans.

Site & location: Land adjacent to Oldbury Road,
Nr Oldbury. [Grid ref: 430569.294120].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for change of use from a chipping storage site to an emergency stopping place for up to 12 caravans at: Land adjacent Oldbury Road, Nr Oldbury subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Application details

- 1.1 This planning application seeks consent for the provision of an emergency stopping place for up to 12 caravans and towing vehicles to reside for a period of up to 28 days.
- 1.2 The proposed site, which covers an area of approximately 5000m² (0.5ha), whilst permanent in nature would provide temporary accommodation for each user. The proposed site would be located on a piece of land that is currently used as a road chippings store just off Oldbury Road, the remaining chippings currently on site would be moved to existing storage facilities throughout Warwickshire.
- 1.3 The proposal seeks to provide 12 touring caravan pitches (marked out to a size of 6m x 2.75m) and 12 parking spaces for towing vehicles that would be marked out on the existing hard standing within the site.
- 1.4 The proposal also includes the provision of improved vehicular access points from Oldbury Road. It is proposed to widen the bellmouth to 23.5m, while the site access itself would remain at its existing width of 6.5m. The improved access points would be constructed to a width to allow the safe access and egress of towing vehicles and caravans and would be surfaced with bound, hard surface material.
- 1.5 It is also proposed to erect gates and a fence at the access point in order to control access to the site. The proposed access gates would measure 4.5m in width and be to a height of 2m and constructed from steel. In addition, it is also proposed to erect a barrier in front of the access gates that would be down when the site would not be in use, but raised when the site would be occupied to allow users freedom of access but the security of gates.
- 1.6 The application also includes provision of a number of facilities for users of the site which include portable toilet facilities, which are proposed to be provided on a 2 toilet cubicle per 4 occupied caravan pitch ratio.
- 1.7 Waste refuse skips to dispose of waste generated on site would also be provided and located within the confines of the site. These facilities would be provided on site when the site is occupied and removed when the site is vacated.

- 1.8 In addition, a fresh water standpipe would provide occupants with clean drinking water directly from a mains water supply.
- 1.9 It is proposed to retain the existing bunds that form the perimeter of the site and provide an obvious physical barrier and visual screening. The vegetation which includes trees and scrub which is present on the existing bunds would also be retained.

Site Operation and Management

- 1.10 The site would be managed by the County Council's Gypsy and Traveller Service. The members of this team are on call and respond to queries regarding site management as required.
- 1.11 The proposed site would remain locked, with the barrier down when unoccupied to prevent unauthorised access to the site. Potential site users would be engaged by members of the Gypsy & Traveller Team at unauthorised encampments and offered use of the emergency stopping place. If potential users commit to the site usage agreement they would be escorted to the site by the Police, where the Gypsy & Traveller Team would have arranged for the site's barrier to be lifted and gates to be opened.
- 1.12 Prior to entry users of the site would be required to pay a security bond (£300), provide payment for the facilities (toilet, water, refuse), provide photographic identification and sign an agreement outlining the terms of their stay (including expected behaviour on site) with the Gypsy and Traveller Service. Without agreement to comply with these points entry to the site would not be permitted.
- 1.13 When the site users wish to vacate they would be obliged to inform the Gypsy and Traveller Service who will undertake a 'check out' procedure on site with the user (i.e. checking for deposited waste/refuse, damage, etc.) after which the bond would be returned and the site locked, provided no other parties are in situ on site at that time.
- 1.14 During the period of occupation the access gates would not be locked in order allow occupants the opportunity to use the site as they wish.
- 1.15 Whilst the site is primarily intended to provide emergency accommodation for members of the Gypsy and Traveller community, the proposal does not preclude other groups that are located on unauthorised encampments from utilising the site and its facilities. However, potential users of the proposed site would have needed to reside in an unauthorised encampment in order to be offered the opportunity to stay at the emergency stopping place. Potential users of the site cannot 'plan' to stay at the site enroute to another destination, i.e. turn up unannounced.

- 1.16 The site would allow its users to stay for a period of up to 28 days after which they would be required to leave the site. The Gypsy and Traveller Service would seek to evict those who overstay the maximum. Users of the site would not be able to return and stay on site within 3 months of the date they first occupied the site.

Case for Need

- 1.17 The applicant has stated that the proposal has been put forward to provide accommodation primarily for members of the travelling community that currently reside within unauthorised encampments within Warwickshire. However, the site could be used by anyone who resides in an unauthorised encampment regardless of whether they belong to the Gypsy and Traveller community.
- 1.18 The Gypsy and Traveller Accommodation Assessment (GTAA) produced in 2007 identified a need in Warwickshire for a net additional 40 transit/stopping pitches during the period 2007 to 2012. It is worthy to note that this provision was not achieved, and as a result, the latest GTAA published in 2013 states that this need is still to be met. Both of the GTAAs conducted assess the need of the County as a whole. The 12 pitches proposed by this application would contribute to the 40 pitches that were identified as required by the 2007 assessment. To date the only provision that has been made is the planning consent at the Southam site which would provide 12 pitches. The site is currently the subject of a compulsory purchase order, and this process must be completed prior to the consents implementation.
- 1.19 The applicant has stated that there are approximately 4000 travelling families that have no place to stop and reside in England which detrimentally impacts upon local communities and businesses when unauthorised encampments occur and also detrimentally impacts upon the travelling community themselves as this often results in them residing in substandard, poorly located and unsafe locations that do not afford the opportunities of medical checks and education provision for children.
- 1.20 The applicant has stated that during 2014 Warwickshire encountered 118 separate encampments in the County (769 families of which there were 310 children) of which a small number required education and/or health care assistance. During 2015 Warwickshire has experienced an increase in unauthorised encampments, for the first 9 months the County had 114 containing over 800 families. The total number of unauthorised encampments within the County in 2015 reached 136.
- 1.21 The table below provides a breakdown of the number of unauthorised encampments within each of the County's districts/boroughs for the last 3 years. It is clear that there has been an overall increase in the number of unauthorised encampments over the 3 year period. Although the figures for North Warwickshire Borough itself are low, despite

increasing from 2014 - 2015, when compared with the other districts/boroughs, it is clear that there is an obvious need for provision in the north of the County due to the increase in unauthorised encampments in Nuneaton & Bedworth. The two boroughs share a close cross border relationship and the application site itself is very close to the Borough boundary.

- 1.22 Notwithstanding the above, it is conceivable the 8 encampments that occurred in North Warwickshire this year could result in the site being occupied for 8 months of the year. This demonstrates that there is a proven need for an emergency stopping place due to the demand occurring in North Warwickshire Borough alone.
- 1.23 It is proposed that the application site would provide an emergency stopping provision for the north of the County given the increase in encampments in this area as outlined in the table below. The emergency stopping provision to cater for the unauthorised encampments occurring in the south of the County will be met by the site near Southam that already benefits from planning permission for an emergency stopping place and in relation to which authority has been given to make a compulsory purchase order. It is envisaged that two sites, one in the north and one in the south would provide adequate emergency stopping provision for the County as a whole.

	2013	2014	2015
<i>Stratford District</i>	23	14	19
<i>Warwick District</i>	35	39	38
<i>Nuneaton & Bedworth</i>	35	31	39
<i>Rugby Borough</i>	23	28	32
<i>North Warwickshire</i>	10	3	8
Total	126	115	136

- 1.24 A reduction in the number or duration of unauthorised encampments will spare the community the harms, burdens and other detrimental impacts that can arise from unauthorised encampments as well as providing an alternative to legal proceedings for both the authorities and the travellers, all of which will contribute to reducing social division.
- 1.25 The provision of such a facility would also provide an opportunity for the authority to assess site users for health and education needs that are often not well provided for within the Gypsy and Traveller community.
- 1.26 The applicant also advises that the provision of such a facility allows the authority an opportunity to offer those who are residing within an unauthorised encampment the option of moving to the proposed emergency stopping place and that this would enable the Authority to 'nip in the bud' emerging unauthorised sites which might, if not closed quickly, become the subject of applications for regularisation.

2. Consultation

2.1 North Warwickshire Planning Department

The Borough's Planning and Development Board resolved to object to the proposal on the following grounds:

- i) The number of pitches proposed far exceeds the requirement for the number of transit pitches in North Warwickshire as defined by Policy NW7 of the North Warwickshire Core Strategy 2014. The site proposed also fails to comply with Policy NW8 of the same Strategy in that the number of pitches exceeds the limit of five pitches set out therein. There is no justification as to why such a large site needs to be located in North Warwickshire to meet the needs of other Boroughs in Warwickshire. The location of this site is in a rural area and as such the proposal will dominate the surrounding area.
- ii) Policies NW1 and NW8 of the Core Strategy 2014 require that there is a presumption in favour of sustainable development. The site proposed is located in an isolated rural location which is not within a safe walking distance of any development boundary being some 1.7km from Hartshill along a rural road without any footpaths. The site is also not within a safe walking distance of public transport. As such, this site cannot be classed as a sustainable location.
- iii) There are concerns raised about the use of Oldbury Road by up to 12 towing vehicles plus other vehicles. Whilst improvements to the vehicular access into the site might be sought, there is concern that the proposed development will not be able to fully mitigate its impacts on the wider highway network which is of concern

The Board also requested that the County Council take into account the following two matters:

- a) The application form states that there will be further works to the hardstanding area. It is known that a large proportion of the surfaced area can become waterlogged. The material used to create this surface is not compacted and towing vehicles would have difficulties driving over and using it. Drainage improvements are required for this site along with improvements to the surface of this area.
- b) Notwithstanding the objection, although not mentioned in the application or its supporting documentation, it is expected that any permission granted would be the subject of a condition limiting occupancy to only Gypsy and Travellers.

The Borough would also like to draw the County Council's attention to the very strong likelihood that this site was used as a landfill site and therefore the issue of potential contamination should be explored as a material planning consideration.

2.2 North Warwickshire Environmental Health Officer

Raised no objection to the proposal

2.3 Ansley Parish Council

The Parish Council has considered the planning application and strongly objects on the following planning grounds:

- 1) Does not accord with the provisions of the Development Plan in force in the area in which the application is situated. North Warwickshire Borough Council Core Strategy has been consulted upon prior to adoption in October 2014. Local people would have a complete loss of faith in the consultation process if the policies adopted are now completely ignored.
- 2) The Gypsy and Travellers Development Plan document which forms part of the Core Strategy states in NW8 that any settlement should be appropriate in scale and size to the nearest settlement, but also be limited to a maximum of 5 pitches. The nearest settlement is in Pipers Lane where there are only 11 houses, therefore a proposal for 12 caravans would mean that the site would be inappropriate and would dominate local people.
- 3) There is no access at this site to essential utilities for example mains sewerage, drainage, waste disposal and lighting, which is contrary to Policy NW7
- 4) Highways safety. The access to the site is down a narrow winding country road, which is unsuitable for caravans and large vehicles. Policy NW8 also states that any settlement should be within a reasonable safe walking distance of a public transport service to allow access to services such as health and schools. As this is only a small lane there is no pavement and lots of bends in the road. Anybody walking along there, especially at night when there are no street lights, would be at severe risk of accident or injury.

2.4 Mancetter Parish Council

Mancetter Parish Council objects to the application on the following grounds:

1. Access to site and related road issues: All but one approach road of the five routes which could be used carry some element of restriction.
 - They are narrow with no footway in all four cases.
 - Accessibility in adverse weather conditions. Three of the access roads are not on the Winter Gritting Routes
 - Some of the routes carry weight limits imposed by the County Council in order to reduce the possibility of heavy vehicles having collisions. This, therefore, makes the site unsuitable by

travelling showmen to rest/check vehicles between venues. Restrictions include bridge weight limits and 7.5 tonnes road access except for deliveries.

- The County Council has historically refused to issue permits to pupils because Oldbury Road was deemed to be the safe walking route to schools in Hartshill. There are no footways along this road and, therefore, it is reasonable to expect the County Council to provide a footway so that pupils or other walkers can travel safely through Oldbury Road.
- At the turning point into Oldbury Road from Pipers Lane there is no safe crossing point or footway for the safe walking of parents to Nursery Hill School (parents regularly walk pupils to that school which under recommendations for health is to be encouraged)

- 2 At the current time Mancetter is in the process of writing a Neighbourhood Plan for the Parish of Mancetter. Although this proposal falls on the very boundary of Mancetter the impact will be upon the Parish.

Along Oldbury Road there is a constant problem with fly tipping. This has a cost and also impacts on the large number of people that use the area for recreational purposes.

Hartshill Hayes is a Country Park with evidence of ancient usage which has suffered in recent times because of the lack of warden supervision.

If the proposed development takes place there must be an implied cost for this site to ensure that it is used correctly. The term Emergency Stopping Place would indicate that there is a need for constant supervision for the safe and effective running of the site.

- To collect monies for the use of the facilities
- To police the length of stay time to prevent permanency
- Tidiness and care of the site.
- Prevention of damage/ vandalism

If this does not happen then the visual impact on the rural landscape will be great.

- 3 Disturbance to local residents.
The village of Ridge Lane is likely to suffer considerably from this site. The village has very limited facilities and the existing businesses are liable to reaction between local residents and the temporary visitors. It is an unfortunate fact that such incidents are not infrequent. The movement of vehicles through the village will add to unpredictable traffic flow possibly at unsociable hours. The properties close to would suffer with traffic movement and potential noise.

- 4 Previous use of the site:

The proposed site was originally part of a railway cutting servicing the Ansley Hall Pit site. After the closure of the mine the disused cutting was used as a landfill site for the disposal of household waste. It is also known that some other materials of non- domestic waste were also tipped at this site. At this time the regulation of landfill was not enforced to the strict EU rulings which now apply. This site was not lined and as far as it is known was only capped with poorer quality soil. Domestic waste, at this time, was not sorted for recycling. Therefore, this site may well be contain elements of contamination which could take the form of asbestos, heavy metals and possible contaminated water from unknown liquids. When a Conference Centre was proposed on an adjoining site there was confirmation of gases being emitted from former outcrop workings. It is likely, as well as methane, hydrogen sulphide could be pocketed in the waste materials. After capping, the site was planted with mixed hardwood whips and the indicated picnic area later installed. Lack of supervision of the site led to vandalism and fly tipping and the eventual demise of the picnic area. It was at this point that WCC started to use the area for the storage of road surface chippings.

If this site is to be developed as an emergency stop for up to 12 caravans then the installation of facilities would require obvious works which would penetrate into the landfill and possibly release toxic materials/gases.

Under a duty of care heading it would be necessary to carry out proper investigations as to materials in the tip. The other option would be to open and clear the site of all potentially harmful material and restore the land – possibly cost prohibitive!

The Jubilee Quarry site was also used for landfill on a slightly younger time scale. This site has been landscaped to blend in with rural landscape. If the County no longer require the site for stone storage then this site should be restored to woodland and therefore closely relate to the rural aspect.

Mancetter Parish Council feels that this site is unsuitable for use largely because of:

- Access
- Damage to the rural aspect
- Most importantly health issues because of the nature of the site.
- Hazards being:
 - poor initial treatment of the landfill site
 - Bacteria in the waste material
 - Potential heavy metal contamination
 - Asbestos
 - Leachate in the water

In the past there have been cases of installed plastic pipe supplies being damaged by unknown content of landfill.

Mancetter Parish Council would point out that it was not until 1974 that the Control of Pollution Act meant that all landfill sites had to be licensed and detail of the type and volume of waste had to be recorded. What has been the Contaminated Land Inspection Strategy for the County? This site pre-dates the 1974 Act!

Paragraph 198 NPPF

“Where a planning application conflicts with a Neighbourhood Plan that has been brought into force, planning permission should not normally be granted”

Our Neighbourhood Plan is in the course of preparation and Hartshill’s is in draft form. In both cases there would be conflict!

2.5 Hartshill Parish Council

An e-mail communication has been received from Councillor John Randall objecting to this application for the same reasons as Ansley Parish Council and on behalf of Hartshill Parish Council.

2.6 Councillor Hayfield

No comments received as of 06/01/16.

2.7 Councillor Chris Clark

No comments received as of 06/01/16.

2.8 Warwickshire Fire Service - Chief Officer

Advise that caravans should be 6 metres apart, portable firefighting equipment should be provided and ingress and egress from the site should be suitable for emergency service vehicles.

2.9 Ecology Services

No objection to the proposal subject to conditions outlined later in this report.

2.10 Natural England

No comments to make on the application.

2.11 Environment Agency

No comments received at time of writing.

2.12 The Coal Authority

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there

are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

However, when considering this particular proposal; the planning application is purely for change of use of land. There will be no operational development resulting from this proposal that intersects the ground and could therefore present risks to the coal mining features. Therefore we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and **do not object** to this planning application.

The Coal Authority have recommended that an advisory note be added to any approval that may be granted.

2.13 Severn Trent Water Ltd

No comments received at time of writing.

2.14 Warwickshire Police – Chief Constable Martin Jelly

I am aware that there has been a significant increase in Unauthorised Encampments this year, particularly in the north of the county. This impacts on the local communities and puts increasing pressures on both police and local authority resources.

I would like to be able to fully explore our options when it comes to police powers to deal with Unauthorised Encampments, and I am aware of the power that is provided under Sec 62A-E of the Criminal Justice & Public Order Act 1994, which relates to Emergency Stopping Places. Whilst this provides some additional powers, it is dependant on there being spaces available at local authority provided sites.

As we do not currently have this provision available to us in the county, on occasions it is limiting our options. If possible, I would be supportive of an Emergency Stopping place being made available in the county that would assist us to deal with Unauthorised Encampments proportionately, making a greater range of police options available. Should the County Council be able to progress such a provision, given that demand is disproportionately in the north of the county, I would suggest this is where the energy would be best placed.

2.15 Director of Public Health

No comments received.

2.16 site notices posted – 12 November 2015

2.17 Press notice posted on - 12 November 2015

2.18 Neighbour Consultations - 86 nearest residential properties individually notified on 12 November 2015

2.19 Public Meeting in Ansley Common

A public meeting was held in St. Johns Church Hall, Ansley Common on the evening of the 8th of December. Members of Ansley, Mancetter and Hartshill Parish Councils were in attendance along with the local members Cllr. Hayfield and Cllr. Clark. The meeting was attended by approximately 100 members of the public. The Planning Case Officer and the Gypsy & Traveller Team Manager briefed those in attendance on the application and fielded a number of questions.

3. Representations

3.1 263 individual letters / e-mail communications have been received from local residents objecting to this development on the grounds that:

1. The road serving this site is totally unsuitable for caravans. It is narrow, unlit and lacks passing bays and separate footpath provision. Its increased use will be dangerous for school children, horse riders, cyclists and other walkers who use this route.
2. The junction with Pipers Lane is unsuitable. It is dangerous with very limited visibility.
3. The site is potentially dangerous for children living there. It is near a working quarry, close to a derelict golf course and right on the road edge.
4. Hartshill has had more than its fair share of unwanted development (the rendering plant, chicken farm, housing allocations. It is used as a dumping ground by the authorities. There seems little dialogue between authorities and none with local residents
5. Hartshill has seen proposals for this emergency stopping place, a transit site for longer stays and a private site at Fir Tree Paddock in Quarry Lane. This is too much for one area.
6. The site has no water supply, power or toilet and washing facilities. It is inadequate for the use proposed.
7. Local schools and facilities such as doctors surgeries etc are already overstretched.
8. The development will spoil the countryside and reduce visitor enjoyment of Hartshill Hayes Country Park.
9. Local house prices will be adversely affected.
10. There is no guarantee that the site will not eventually be occupied permanently and there is no guarantee that the site will be well managed.

11. Crime levels will rise and I fear for my personal safety and that of my property and my neighbours.
12. My business will be adversely affected. We need a secure site which is perceived to be secure. We pay local rates and employ local people that should count for something.
13. If the budget to create this facility is only £50,000 then there will be no money for necessary infrastructure or road improvements.
14. As this site is to accommodate those on illegal encampments then its occupants will have already demonstrated that they have no respect for the law or regard for local communities. Nobody will feel safe.
15. Government guidance suggests that sites should be chosen which are of "such a scale that they will not dominate the nearest community". About 22 people live locally; this site would be occupied by 40-50 people.
16. The site is quiet and rural. So many extra people will result in noise and disturbance and fly tipping and rubbish affecting the locality.
17. Has this site been chosen rather than a more suitable urban site because there are fewer residents to object to it?
18. The site notices make no reference to travellers – this is a deliberate misrepresentation.
19. The North Warwickshire Gypsy and Traveller Accommodation Assessment indicates that there is no need for this development and that it will result in over provision locally.
20. The chipping store was not used frequently and that tended to be in summer months when road conditions are better.
21. The site is not in a sustainable location. It is remote from services, shops and public transport links.
22. If granted permission this development is likely to attract further unauthorised encampments to the locality.
23. The development will affect local biodiversity. There are newts in local ponds, badgers in nearby setts and rare moths in the woods. The council seems completely unaware of its biodiversity duties under the NERC Act and the NPPF. Introducing travellers to this area is incompatible with the council's duty to protect wildlife and biodiversity.
24. The site is liable to flooding as are parts of the road.
25. The site is Green Belt.
26. The development is contrary to the provisions of the Development Plan. Permission should therefore not be granted as it would undermine the plan making process.
27. The development would adversely affect local tourism. Hartshill Hayes Country Park is a popular local amenity and the North Warwickshire Cycleway passes the site. Both will become less attractive to visitors if the development is approved.
28. The local riding school would be adversely affected by the development and conflict between extra traffic and horses could result in serious injury or worse.

29. How will the council assess the background of people using the site to ensure that criminals or religious fanatics are not housed on the site ?
30. Fly tipping is a real problem in this area. We do not want it to get worse. Temporary residents will not respect the locality.
31. There are no positives about this application it is not wanted by the vast majority of local residents.
32. The council should look for a more suitable site with good transport links and easy access to public services.
33. The burden of supplying, maintaining and cleaning this site will fall upon local council taxpayers. The money could be better spent.
34. Other applications for development on Oldbury lane have been refused planning permission on transportation grounds. It would be sheer hypocrisy for the County Council to grant itself planning permission for this development in these circumstances.
35. Premature determination of application due to preparation of Nuneaton & Bedworth Local Plan.
36. Lack of provision for an emergency stopping place in Ansley, Hartshill and Mancetter Neighbourhood Plans.
37. The site is a former landfill site and is contaminated.
38. There is the potential for landfill gas and hydrogen gas leakage.
39. The Gypsy and Traveller Team will likely be reduced in size due to funding cuts and this will leave insufficient resources to monitor/manage the site.
40. There is standing water on the site which could provide habitat for Great Crested Newts and Smooth Newts.
41. No provision of passing places on Oldbury Road detailed within the application.
42. No provision of children's play area as part of the application.
43. Use of this site would create pressure on local health, education and welfare facilities that are already oversubscribed.
44. Oldbury Road is narrow and does not benefit from a footpath or streetlights.
45. The site is in an unsustainable location.
46. Site users dogs may attack livestock in neighbouring fields.
47. Negative impact on local wildlife.
48. Detrimental impact on Green Belt and visual disruption of local area.
49. The area does not want or need a development such as this.
50. Emergency services won't be able to reach properties on Oldbury Road if they meet a convoy of caravans travelling in the opposite direction.
51. Would you like a travellers site next to where you live ? I don't think that you would.

3.2 In addition a letter has been received from Marcus Jones MP stating that the proposed use of the site would be potentially dangerous in highway safety terms and is remote from local services. In addition Ansley Parish are consulting on their neighbourhood plan and the

emergency stopping place is not included in it. He therefore asks WCC to reconsider the decision to progress this application.

- 3.3 In addition a letter has been received which was written on behalf of the owners of the Purley Chase Industrial Estate on Pipers Lane objecting to this application on the grounds that:
1. The site is served via an inadequate road network and in an unsustainable location remote from public services
 2. The development makes overprovision when assessed against the local gypsy and traveller needs assessment.
 3. The site is waterlogged and the development would be detrimental to highway safety for pedestrians, cyclists and vehicles.
 4. The development is contrary to Policies NW1, NW2, NW7, and NW8 of the North Warwickshire Core Strategy.
- 3.4 In addition a letter has been received from the Ansley Hall Management Company (Ansley Hall is a historic building which has been developed to provide 16 dwellings) objecting to this development on the grounds that:
1. The development is contrary to the provision of the development plan.
 2. The highway network is unsuitable
 3. The gypsy and traveller assessment indicates that this will result in overprovision locally
 4. Pressure may arise to use vacant land close to the site as overspill accommodation
 5. Although we ask that this application be refused if permission is granted we would ask that WCC ensure that open private land at the Coleshill Road / Pipers Lane junction is out of bounds for the parking of caravans and vehicles and if they park there WCC become responsible for taking action to remove them and be responsible for the cost of doing so.
- 3.5 In addition a letter has been received from Midland City Motors objecting to this application because the site is not suitable because it floods, the road network is unsuitable to serve the development and newts are found in nearby ponds. In addition the development may impact upon their business due to thefts and customers being unwilling to leave vehicles on the premises. This objection is supported by a petition signed by 26 local customers of the business.
- 3.6 Finally, an e-mail has been received from Susan Milewski, Headteacher of Rugby Free Primary School offering her support of the application proposal. In her e-mail Ms. Milewski states that since her school opened in September 2015, they have experienced problems with members of the traveller community who have set up an unauthorised encampment opposite the school on a number of occasions. There have been instances of break ins, vandalism, intimidation and hygiene. The Headteacher feels that as the school

grows there could be an issue in relation to child safeguarding and as such supports the proposal for an Emergency Stopping Place which would potentially reduce the number of unauthorised encampments occurring in the County.

- 3.7 A further 8 e-mails have been received from Rugby Free Primary School governors and parents citing the same issues as the Headteacher and offering support for the application proposal as a means to remedy the issues they are currently facing at the school.

4. Previous Planning History

- 4.1 The application site was formerly a railway siding that was previously used by the County as a household waste disposal site, with consent being granted in 1968. The tipping of waste has long since ceased and the site restored in accordance with the recommendations of the Ministry of Housing and Local Government. In 1987 plans were approved for the provision of a picnic area to the east of the application site. These plans included hard surfacing of the chipping store along with landscape works and planting around its perimeter.
- 4.2 The site has continued to be used by the County Council as a chippings store up to the present. HGVs would enter the site and load up with chippings before leaving the site to deliver their loads to local road improvement projects. A relatively small stockpile of chippings remains on site which would be removed should consent be granted.
- 4.3 Although the application site itself has a very limited planning history, there is planning history that relates to another site in the vicinity that can be considered relevant to this application. The site in question is Moorwood Farm, Oldbury Road, approximately 510m from the entrance to the application site. Two applications were made at the site and refused by North Warwickshire Borough Council, and duly dismissed at appeal by the Planning Inspectorate on the grounds of, inter alia, being unsustainable.
- 4.4 The first appeal (ref: A/07/2040914) related to the removal of a condition in order to allow a building permitted to be used as an annex to the main dwelling to be used as a standalone residence. In the inspectors reasons to dismiss the appeal it was stated *“Oldbury Road is a single carriageway lane with no pavement, used for local access and local traffic. I therefore so not accept that the site has direct access to the rural distributor network. The site is in the open countryside and is not accessible by range of travel modes. Residents would be likely to use a car to access local services and facilities...For these reasons, it is my opinion that the site is not in a sustainable location”*
- 4.5 The second appeal (ref: A/07/2046274) relates to an application to change the use of an agricultural outbuilding to a children’s day care

nursery. Again the appeal was dismissed and the inspector cited the following reasons that are considered relevant to the application currently being considered *“The appeal building is one of a group at the end of a long private drive giving access to Oldbury Road, a minor country road some 1.5km from the nearest A road. This isolation means that the proposal would not have direct access to the rural distributor road network.... I conclude that the proposal would fail to meet sustainability objectives for the countryside contrary to policies 2 and ECON9 of the adopted Local Plan and contrary to national policy contained in Planning Policy Statements 1 and 7.”*

5. Assessment and Observations

Location

- 5.1 The proposed application site is located in a rural location approximately 1.5km to west of the settlement of Hartshill and approximately 1.2km south east of the village Ridge Lane. The nearest cluster of residential dwellings is on Pipers Lane, approximately 325m from the application site. Basic services, including a shop, are present in Ridge Lane, with a wide range of services that includes schools and medical facilities available in Hartshill.
- 5.2 The application site is situated to the south of Oldbury Road, approximately 420m from the junction with Pipers Lane, and lies within the electoral division of Arley. However, it is worthy to note that the boundary with the division of Hartshill lies immediately to the north of Oldbury Road, so that the application proposal impacts on both wards. The site itself covers a level area of hardstanding approximately 0.5ha and is bunded around its perimeter, upon which is established vegetation. The nearest residential property to the site is ‘Jasmin Cottage’ which is to the north of Oldbury Road just east of the junction with Pipers Lane, some 365m from the site.
- 5.3 Objections have been raised by local residents stating that potential site users would be located too far from local services which would make access to said services difficult without utilising a private vehicle. It is accepted that private vehicle would be the obvious mode of transport to gain access to the surrounding settlements and that it is the preferred means of transport to many of the Gypsy & Traveller Community. However, it should also be noted that the public footpath network allows access to both Hartshill and Ansley Common without the need to walk along Oldbury Road which does not benefit from a footway.
- 5.4 Public footpath no. AE167 runs to the east of the site and is accessible off Oldbury Road meaning site users would have easy access to the public footpath network, which in turn would allow access to Ansley Common and Hartshill without the need to walk along Oldbury Road.

Site Selection

- 5.5 Concerns have been raised by local residents when commenting on the planning application that no assessment has been submitted by the applicant outlining why this site has been chosen with further suggestions made as to other suitable sites in the local and wider area.
- 5.6 It should be noted that there is no requirement for the applicant to undertake such an assessment within the planning application. In addition, whilst there may be other sites in Warwickshire that are capable of also accommodating Gypsy and Travellers, members are advised that they should seek to determine whether they consider this site to be appropriate rather than focusing on other sites that may or may not also accommodate such a proposal.
- 5.7 Notwithstanding this, a full site selection process was undertaken prior to the submission of the application with 39 sites considered. Of that number a shortlist of 4 was drawn up and Oldbury Road selected as the most deliverable option. The assessment took into account highways and access implications, land ownership, flood risk and proximity to local services.
- 5.8 Local residents believe that contributions should be provided by the applicant towards the provision of improved facilities in the locality, such as open space/playground provision for nearby residents. However, any contributions required from developers should meet the tests in Regulation 122 of the Community Infrastructure Regulations. Improved facilities cannot be required unless they relate reasonably and fairly to needs generated by the stopping place and are necessary to make the development acceptable. These conditions are not met. In so far as improved facilities would benefit existing residents, there is no relationship with the stopping place. In so far as such facilities would benefit users of the stopping place, they would be disproportionate given the short term nature of their stays.

Prematurity of Application Determination

- 5.9 Representations have been received from an objector stating that this application should not be determined as its determination would be 'premature' due to ongoing preparation of the Nuneaton and Bedworth Local Plan which makes provision for the Gypsy & Traveller community. In addition, the MP Marcus Jones also stated that Hartshill and Ansley Parish Councils are currently consulting on their respective Neighbourhood Plans and neither contains provision for an emergency stopping place. It should be noted, however, that neither of those neighbourhood plans have received approval and been adopted as Development Plan Documents by their respective Borough Councils. The same applies to the Mancetter Neighbourhood Plan which is currently under preparation.

- 5.10 Prematurity can be raised as an objection only when the proposed development is so substantial or significant that the permission could prejudice the strategies of the emerging plan by predetermining decisions about the scale, location or phasing of development which is being addressed in the emerging plan. That is not considered to be the case in this instance. In addition, should consent be granted the site would make a contribution to the transit pitch need identified to be present in both North Warwickshire and Nuneaton and Bedworth by the GTAA 2013.

Policing and Crime

- 5.11 A number of objections to the proposal have been put forward concerning the possibility that the proposal would result in an increase in both actual crime and perceived fear of crime in the locality with reference made to a lack of full time police presence. However, there has been no evidence submitted to indicate that actual crime rates would increase as a result of the application proposal.
- 5.12 It is acknowledged that fear of crime may increase as a result of this proposal. It is considered that good and thorough management of the site is critical to allaying local residents' concerns along with close working relationships with the police in order to rectify any issues that may occur effectively and quickly in order to minimise any potential impact on the local community.
- 5.13 The Police service have been consulted on the application and are supportive of the proposal. The police service stated that they would be supportive of an application for an emergency stopping place as it would increase the powers and options available to them when dealing with unauthorised encampments in the County of Warwickshire. It was also stated that the Police would be supportive of an application of this nature in the North of the County due to the recent increase in unauthorised encampments in this area. Dealing with unauthorised encampments places a strain on Police resources and an emergency stopping place would be considered to alleviate some of the pressure.

Site Facilities

- 5.14 The application seeks to provide basic provision on site which includes a fresh water stand pipe, waste water disposal facilities, refuse disposal facilities and portable toilets. The proposal does not seek to provide electricity hook up points on pitches as the site would only cater for temporary stays; the maximum permitted being 28 days. The guidance published by the Department for Communities and Local Government "Designing Gypsy and Traveller Sites Good Practice Guide" includes guidance on standards for temporary stopping places. This makes no reference for the provision of electricity and as the site is only sought to provide short term temporary accommodation, potential site users would be expected to provide their own electricity

generators should they wish to have an electricity supply within their caravans. It should be noted that the Practice Guide was revoked on 31 August 2015. However, it is the only available guidance document in relation to the design of temporary stopping places and the guidance in it retains informal value despite the revocation.

- 5.15 Portable toilets would be provided on site at a ratio of 2 toilets to every 4 occupied pitches. The toilets would be provided and maintained by a private company for a set price. It is considered that this provision would ensure that adequate facilities are provided. Concerns have been raised by residents that potential site users may be unlikely to pay the company for use of the facilities. However, it can be confirmed that potential site users would be required to pay prior to being given access to the site. Should potential users decide not to pay, they would not be allowed access to the site.
- 5.16 A further concern raised by residents is that there is no provision contained within the application for a children's play area, or for a grazing area for occupants' pets/animals. The application submitted does not make provision for such facilities.
- 5.17 However, the provision of such facilities in this instance is not possible due to the size constraints of the site and whilst the Good Practice Guidance states that the presence of young children should be considered when locating and designing temporary stopping places, there is no requirement to provide a play area.
- 5.18 In addition, the applicant has stated in response to the concerns regarding grazing areas that animals would not be permitted (other than domestic pets, i.e. cat, dog) to occupy the site and this would be included within the terms of occupants' stays.

Light and Noise Pollution

- 5.19 Local residents have raised concerns that the proposal would result in greater light and noise pollution as well as an increase in odour in the locality. It is worthwhile to note that the application itself proposes no additional lighting although site users are likely to use their own generators and lights. However the site is not considered to be close enough (365m away) to sensitive receptors to cause an adverse impact by way of noise or light pollution. It is not anticipated that the use of the site would give rise to adverse odour, with the portable toilets emptied and maintained by the company that would provide them. North Warwickshire Environmental Health have been consulted on the application and have raised no objection to the proposal.

Site Permanence

- 5.20 The proposed planning application seeks consent for the provision of an emergency stopping place and is seeking a permanent planning

consent. Whilst the site, if approved, would be permanent in nature the potential occupants would only be permitted to reside on site for a temporary period of time, up to 28 days. Many objections have been received from local residents who are concerned that this site may become a site which provides permanent pitches for members of the Gypsy and Traveller Community and would bring with it associated social and amenity problems. Concerns were also raised by residents regarding the ability to 'move on' site users once the 28 days period expires.

- 5.21 Members of the Committee are reminded that they are judging the application before them based on its own merits. However, the provision of an emergency stopping place in the north of the County is seen as a key priority and, should that be achieved, there would be no desire to convert the site into a facility for permanent residence as this would then leave the applicant in the position it is in now, with no available emergency stopping place in the north of the County. In any event, if the recommended conditions are imposed, the duration and frequency of stays will be controlled so as to prevent permanent residence and the removal of those restrictions would require a further planning application.
- 5.22 The County Council and the Police have legal powers to 'move on' any site users after the maximum stay period of 28 days and the applicant advises that this would be enforced stringently.

Fire Safety

- 5.23 An objection to the application has been raised on the basis that a fire safety risk assessment as required by the Regulatory Reform (Fire Safety) Order 2005 has not been undertaken and submitted as part of the planning application. Whilst the Order requires that an assessment is undertaken there is no requirement for this to be done prior to submission of a planning application and the approval of planning consent does not preclude the applicant from undertaking an assessment prior to the site being brought into use.
- 5.24 Whilst caravan sites are included under the scope of the order, any single private dwelling is excluded from the Order. What this means in practical terms in the case of a caravan site is that a caravan occupied by one household, together with its pitch and the facilities exclusive to it, are outside the requirements of the Order. Only the common areas within the site used by occupants of more than one dwelling (i.e. caravan) and amenity buildings are included within the Order. In this instance, no amenity buildings are proposed and the site facilities are to be located in an area separate from the caravan pitches which is considered to be of a sufficient size to provide separation between the facilities and the nearest caravan pitch.

- 5.25 Warwickshire Fire and Rescue Service has been consulted and have no objections to the development.

Medical and Education Provision

- 5.26 Objections to the application have been raised which query the benefits in providing short term education and medical provision for occupants of the site and the impact this may have on already overstretched local services. Long term provision is plainly preferable to short term provision but short term provision is preferable to none and, although local authority resources are under increasing pressure, the County Council cannot avoid its responsibilities to some of the more vulnerable members of society in the manner suggested.
- 5.27 The provision of this facility would make it easier for the authority to assess and cater for the required needs of occupants within unauthorised encampments. Also, it is considered that the benefits of providing medical and education provision, which are designed specifically for itinerant households, would positively impact upon the lives of those who receive such help.

Site Layout and Management

- 5.28 The proposed site would be operated solely for temporary residential purposes with no business operations undertaken by occupants or permitted by the applicant. This would be stipulated within the agreement potential site users would have to sign up to prior to residing on site and would be monitored by the Gypsy and Traveller Service. In addition, a planning condition ensuring that the site is utilised for residential purposes only is recommended.
- 5.29 All potential site users would be required to pay a bond of £300 per caravan, pay for portable toilet facilities and sign up to a site user agreement prior to being allowed access onto the site. Site users would be escorted to site by the Gypsy and Traveller Service and the Police. If occupants do not comply with the terms of the user agreement, then they would have any costs incurred by the Council as a result of their behaviour deducted from the bond, and that amount would not be returned to them upon leaving the site.
- 5.30 The applicant has stated that if interested parties looking to use the site refuse to or are unable to pay the bond and comply with the terms of their stay then they will be denied access to the site. If the site is unoccupied then the gates would be locked and the barrier down to ensure access is not gained. If the site is already occupied and the access gates are open then those parties who are unable to comply with the terms of their stay will be asked to leave and would be evicted if they refuse to do so.

- 5.31 The applicant has stated that the site would be locked when unoccupied and when occupied by authorised parties the site's access gates would remain unlocked. At no point would occupants be locked within the site to prevent access and/or egress. The site would be monitored on a daily basis by a member of the Gypsy and Traveller Service who would conduct a site visit to ensure that the site was operating as it should be with the correct number of occupants.
- 5.32 A number of comments have been made asking what constitutes an 'emergency' for potential occupants to legitimately occupy the proposed application site. The requirement to occupy the site legitimately results from the potential occupant first residing within an unauthorised encampment and then being 'moved on' by the Gypsy and Traveller Service to the site. As such, residing within a problematic unauthorised encampment is deemed to be the 'emergency situation' required to gain legitimate entry to the application site, subject to fulfilling the agreement and bond conditions.
- 5.33 The proposal would provide 12 car parking spaces on site which would be marked out to required space standards (2.4m x 4.8m). These parking spaces will be provided in addition to the 12 pitches used to accommodate caravans (3m x 6m). Local residents are concerned that this level of parking provision would not be adequate. However, it is considered that the site should only be providing parking for vehicles that are used to tow caravans onto the site and the 12 spaces are considered to be sufficient to meet anticipated demand.
- 5.34 The proposal seeks to provide accommodation in the form of 12 pitches. This figure has been arrived at through the design of the site's layout to ensure there is a 6m gap between caravan pitches and to allow sufficient turning space within the site.
- 5.35 The now repealed design guidance for the provision of Gypsy and Traveller sites suggests that markings or barriers are provided to encourage residents to park safely and in order to discourage unauthorised expansion of the site onto adjoining land. The plans submitted clearly outline the positions of the proposed pitches and parking spaces. The bunded nature of the site's perimeter would prevent any unauthorised spread of the site onto adjoining land.
- 5.36 It is recommended that a planning condition is imposed ensuring that the pitches and parking spaces are marked out in accordance with the approved layout and that the parking of caravans and vehicles only takes place within designated pitches and spaces.
- 5.37 The existing site is clearly defined by existing bunding and mature vegetation that are in situ around its perimeter. It is considered that these existing features would be beneficial in terms of site security and visual screening.

- 5.38 A concern has been raised by various local residents that site users may occupy the site, leave it for a short period and then return to stay at the site for up to another 28 days with that cycle continuing indefinitely. The applicant has stated that once a site user takes a pitch on the site, they would not be able to return to the site within 3 months of the date upon which they first arrived. The applicant is in a position to enforce this stipulation in its capacity as a landowner.

Visual Impact

- 5.39 The application site is not located within a designated Green Belt or an Area of Outstanding Natural, but it is located away from any built settlements within the open countryside. The application does not propose to construct any permanent structures on site which could cause an adverse visual impact in this rural landscape. Caravans, vehicles and portable toilets would be situated on site for temporary periods when the site is occupied.
- 5.40 The site already benefits from substantial natural screening by way of the existing vegetation that surrounds the site from all aspects. The site is also encompassed by earth bunding which provides additional screening and a physical barrier. The vegetation provides good screening of views into the site and is considered to negate any minor visual impact the temporary structures would have on the landscape.

Flood Risk and Waste Water Management

- 5.41 The application site is not located within an area designated as being at risk of flooding by the Environment Agency.
- 5.42 However, it was noted during the site visit conducted on on the 12th of November 2015 that there was an area of standing water present stretching along the site floor adjacent to the northern bund. The water covered an area of approximately 55m x 5m and was relatively shallow. Some green algae was noticeable on the edge of the water's surface and refuse was present in the water as a result of fly tipping. Another small section of standing water was present to the west of the site
- 5.43 It is considered that the standing water has built up after a period of high rainfall due to the compacted chippings placed on site and the uneven nature of the chippings upon the site floor. The slight hollow towards the northern bund has resulted in water collecting without being able to drain away due to the compacted chippings beneath and the northern bund of the site.
- 5.44 In order to prevent standing water from occurring on site in the future, it is proposed to break up the compacted chippings and remove them from the site leaving the underlying hardstanding undamaged. It is expected that this process would alleviate the issue of standing water

on the site. However, to ensure future issues do not arise a condition is proposed which requires the submission of a site drainage scheme prior to the operation of the site.

- 5.45 The provision of portable toilets would cater for the site's occupants and these would be provided by a third party contractor working on behalf of the applicant. It is understood that the toilet units would be installed, maintained and collected by the contractor. However, no details of how waste water/sewage arising from the toilet facilities would be collected and disposed of including frequency of such activities has been provided.
- 5.46 In addition, no details have been provided outlining how the discharge of foul water and sewage resulting from the caravans themselves would be dealt with (as a result of washing facilities and internal toilet facilities). Without the provision of such facilities it is possible that waste water and sewage could enter into the local watercourse which is also a concern raised by local residents.
- 5.47 As such, it is recommended that a waste water/sewage management plan is submitted to and approved in writing by the County Planning Authority and then implemented prior to the site's first use and maintained for the duration of the site's use.
- 5.48 The submission of such a management plan should include the following:
- The type and capacity of the waste water/sewage collection containers – they must be sealed containers.
 - The number of containers to be provided on site.
 - The location of the containers within the site.
 - The frequency of collection and emptying of the containers.

Highways

- 5.49 Concerns have been raised by residents on a number of highway grounds, those being: the width of Oldbury Road and that it is potentially unsuitable for use of vehicles towing caravans; the presence of caravans would pose a danger to other road users, pedestrians, cyclists and horse riders; the lack of passing places; and the potential restriction of access for emergency vehicles.
- 5.50 The application site would be accessed off Oldbury Road using the existing access point to the chipping store. It is proposed to improve the site's access in order to allow towing vehicles and caravans acceptable access and egress to/from the site. It is proposed to widen the bell-mouth to 23.5m, while the site access itself would remain at its existing width of 6.5m. The site's proposed layout has been designed to allow adequate space for the manoeuvring of caravans and vehicles.

- 5.51 A traffic count and accident report has been conducted by the Road Safety Intelligence Team and submitted in support of the application proposal. The report covered a study area including a section of Oldbury Road starting to the east of the site and continuing to the junction with Pipers Lane, and a section of Pipers Lane to the north and south of the junction with Oldbury Road.
- 5.52 Only 1 accident was recorded within the survey area from the start of 2015 until the 7th of October, which was classified as 'slight', the accident occurred in dry conditions within the 50mph speed limit on Pipers Lane and resulted in the driver colliding with a tree. It is worthy to note that this accident did not occur at the junction itself and the driver was intoxicated at the time of the accident. It is therefore considered that the proposal would not cause a highway safety risk.
- 5.53 The traffic count survey was conducted over the week commencing the 12th of October 2015 and the week commencing the 19th of October for a period of 5 days in each instance. The findings have been considered and it has been concluded that the application proposal would not cause a detrimental impact to the highway network in terms of additional vehicle movements.
- 5.54 It is accepted that the junction of Oldbury Road and Pipers Lane does not meet the modern standard visibility splay requirements, however it is appropriate to consider the existing permitted use of the application site when considering junction suitability in relation to the development proposal.
- 5.55 The site currently benefits from consent to operate as a chipping store which requires HGVs to enter and exit the site via the Pipers Lane junction. It should also be noted that the site currently benefits from the established use which does not impose a restriction on vehicle movements. With that in mind, it is reasonable to consider that the potential impact of the vehicle movements generated by the proposal would not be greater than those which could already occur as a consequence of the site's established use.
- 5.56 It is accepted that Oldbury Road is a narrow single track lane and as such room for two vehicles to pass one another is limited. Accordingly, it is proposed to append a 'Grampian' planning condition that would require the applicant to provide a suitable place(s) on Oldbury Road to allow vehicles to pass any oncoming caravans and their towing vehicles. A number of residents have made the observation that there is not enough room to provide passing places for 12 caravans. It should be noted that the proposed passing places would accommodate the cars/smaller vehicles, thus allowing the caravans to pass them.
- 5.57 Site users would be escorted to the site by members of the Gypsy and Traveller Service and the Police, with the preferred route being via Pipers Lane. The security gates and barrier would be opened in

anticipation of their arrival in order to prevent queues of traffic waiting to enter the site.

- 5.58 However, given the narrow and winding nature of Oldbury Road from the east of the application site heading towards Hartshill it is acknowledged that this route to the site may not be ideal for towing vehicles and their caravans. With this in mind, an option to impose a condition that stipulates the route caravans must take when approaching and leaving the site could be appended to any approval that may be granted, should the Committee see fit.
- 5.59 A local resident indicated that Oldbury Road itself was considered a 'safer route to school' and as such the development should be refused on that basis. It can be confirmed however that the road does not benefit from any such designation.

Sustainability

- 5.60 Sustainable development is stated in Paragraph 14 of the NPPF as being "*seen as a golden thread running through both plan-making and decision-taking*". In consequence, it is essential to consider the sustainability of the proposed development, both in relation to the three elements of sustainability stated in the NPPF (economic, social and environmental) and in relation to the appeal decisions taken at the neighbouring property 'Moorwood Farm' mentioned in the Planning History section of this report.
- 5.61 Firstly the development is considered to be in compliance with the NPPF as it would contribute to economic sustainability by providing an emergency stopping place in the north of the County which would reduce the number of unauthorised encampments in the area, thus reducing overall impacts upon local businesses and enhancing community cohesion.
- 5.62 The proposal would also prove to be socially sustainable as, if approved, it would provide site users with access to medical and educational facilities allowing a minority group to become more socially included in the community.
- 5.63 In relation to the refused application for a stand-alone dwelling and a children's nursery at the neighbouring 'Moorwood Farm', the inspector concluded in both instances that the site did not have direct access to the rural distributor network. Furthermore, that the site is in the open countryside and is not accessible by range of travel modes.
- 5.64 Although similarities are recognised between the proposals they also differ quite considerably. Both proposals at 'Moorwood Farm' constituted permanent use of a site that only benefitted from consent for one residential dwelling. As a result, traffic movements for either

proposal would have been significantly increased should consent have been granted.

- 5.65 The application site already benefits from consent to operate as a chippings storage facility and has no restrictions imposed upon it in terms of vehicle movements, so that the application does not propose a material change in the number of vehicle movements that could occur, when compared with that which could potentially occur in its existing use. The established land uses and the entitlements which come with said uses are distinct differences between the two sites which it is important to recognise.
- 5.66 In addition, 'Moorwood Farm' is approximately 1.5km from the nearest public bus stop which is situated on Pipers Lane and would require pedestrians to walk along Oldbury Road which does not benefit from a footway. The application site is approximately 750m from the same bus stop and would require a journey on foot of approximately 420m down Oldbury Road until reaching the footway on Pipers Lane. It would also be possible for site users to exit the site in a easterly direction along Oldbury Road and travel on foot for approximately 75m before joining public footpath AE167 which could be followed south to join Pipers Lane where a footway is provided to the bus stop.
- 5.67 Although in purely transportation terms this site perhaps does not meet sustainability requirements, it is considered that the economic and community benefits which would occur from the provision of the site mean that overall the development accords to the definition of sustainable development as defined by the NPPF. It is for these reasons that this proposal is considered to be in a sustainable location.

Equality & Diversity

- 5.68 The Equalities Act 2010 requires decisions makers to have regard to the need to (a) eliminate discrimination, harassment and victimisation (b) advance equality of opportunity and (c) foster good relations between communities.
- 5.69 The Equalities Act is a strong material planning consideration which weighs in favour of approval. Gypsies and Travellers who reside in unauthorised encampments suffer disadvantages compared to the settled community and the presence of such unauthorised encampments results in considerable friction with the settled community. Provision of the emergency stopping place would allow services to be provided for the Gypsy and Traveller community and would result in a likely reduction in unauthorised encampments thereby enhancing community cohesion.

Ecology

- 5.70 The Phase 1 Habitat Survey conducted by Martin Ecology dated October 2015 has been assessed by the County Ecologist and is found to be sound having been undertaken in accordance with the standard methodology. Given that the site is bordered to the south and west by Ironstone Wood/Slack's Wood, a broad-leaved semi-natural native woodland, it is advised that trees surrounding the site be protected in line with British Standards. It is proposed to ensure the protection of the trees via the imposition of a condition on any approval the Committee may be minded to grant.
- 5.71 The Warwickshire Biological Records Centre (WBRC) holds records of a large meta-population of great crested newts within approximately 250m of the application site within the golf course across the Oldbury Road and there is a pond located close to the application site within approximately 40m. Great crested newts are European Protected Species. However, the existing habitat, which largely comprises of hardstanding and road chippings, is considered sub-optimal newt terrestrial habitat and so it is considered unlikely that newts would be impacted by the proposed works.
- 5.72 The areas of standing water which currently lie on the site, but was not present when the Ecological Survey was undertaken in September, has been brought to the attention of the County Ecologist. It is considered that given the temporary nature of the standing water and its fluctuations in size, it is not likely to constitute suitable breeding habitat for Great Crested Newts.
- 5.73 However, it has been recommended that an ecological watching brief be conducted by a suitably qualified professional during site clearance in order to ensure no Great Crested Newts are present. Should any Great Crested Newts be found then all work would be required to cease and a licence would have to be obtained from Natural England. It is proposed to ensure this methodology by way of a planning condition should Members be minded to grant approval.
- 5.74 The Phase 1 Habitat Survey identified the presence of the invasive species 'Himalayan Balsam' within the site. It is proposed that the invasive species will be cleared from site in accordance with a clearance scheme that would be required by planning condition, prior to the implementation of the development.

Contaminated Land

- 5.75 The application site lies above a former railway cutting which has since been infilled with a variety of wastes, including some biodegradables. The site formerly known as 'Oldbury Lane Landfill' has been closed for some time and has been appropriately capped. The site now benefits

from a hardstanding and neither that nor the landfill cap would be disturbed by the development proposal.

- 5.76 In addition the Borough's contaminated land officer has confirmed that the former landfill does not pose a high risk given the hardstanding and the clear void between the site floor and the caravans which would prevent the potential migration of landfill gas into the living space.
- 5.77 A resident has made reference to an instance where a school and bungalow in Ansley Common were closed for a period of approximately two years due to leakage of hydrogen gas. However, it can be confirmed that this incident is unrelated to the former landfill beneath the application site.

Refuse/Waste Management

- 5.78 Fly tipping and the deposit of waste materials in and around the site by occupants is a concern that has been raised by many residents. It is acknowledged that this issue can be a problem on unauthorised encampments if the appropriate facilities are not put in place.
- 5.79 The applicant has stated that refuse skips will be provided on site (and has outlined their intended location on the submitted plans) in order to collect waste arising from the site and its occupants. In addition, the provision of such facilities would be within the control of the applicant (Warwickshire County Council) and as such would be put in place prior to the site becoming occupied.
- 5.80 However, it is considered that further details are required in order to ensure that waste materials are suitably accommodated and removed from site in an appropriate manner. In consequence, it is recommended that a planning condition is imposed ensuring that a refuse management plan is submitted, approved and implemented prior to the site's first use. It is considered that the provision and implementation of such a scheme would satisfactorily address the concerns regarding fly tipping/rubbish deposited on site.
- 5.81 The proposed refuse management plan should outline the following details:
- The type and size of refuse collection containers – they must be closed containers, i.e. no open topped skips.
 - The number of refuse containers to be provided on site.
 - The location of the refuse containers within the site.
 - The frequency of collection and emptying of refuse containers.
- 5.82 It is considered that the provision and implementation of such a scheme with the details outlined above would satisfactorily address the concerns regarding fly tipping/rubbish deposited on site.

Non-Material Planning Considerations

- 5.83 Members are advised that whilst not a material planning consideration a large number of the local residents have objected to the proposal on the grounds that property values will be detrimentally impacted if the proposal were to be approved and implemented with further concerns raised regarding the cost of providing and maintaining such a facility which they feel would become a burden to the authority and that the cost would fall on the local tax payer.
- 5.84 A number of residents have expressed fears that site users may attempt to set up an encampment on the nearby country park after they have been moved on from the emergency stopping place should it gain permission. Similarly there are concerns that members of the Gypsy and Traveller community who cannot gain access to the emergency stopping place would attempt to form an encampment on the country park.
- 5.85 These concerns are not considered to be material planning considerations and are conjecture, which cannot be given weight in the application determination process. Even if this view is wrong, and the concerns are material, Gypsies and Travellers who may be attracted to the area would otherwise have been likely to engage in similar behaviour with similar consequences in some other location. The proposal is designed to better equip the County Council and the Police to manage and reduce the overall number of unauthorised encampments and there is no reason to believe that it would result in an overall increase in problems.

Determination Process

- 5.86 Concerns have been raised by some residents regarding the process by which the planning application has been submitted by and is being determined by Warwickshire County Council, with the view that as an authority we are acting improperly.
- 5.87 However, the authority can deal with planning applications under Regulation 3 of the Town and Country Planning (General) Regulations 1992 and have dealt with a large number of planning applications (including schools, medical, libraries, smallholding applications) using this method, with safeguards in place to ensure probity and independent processing and determination within the authority.
- 5.88 Objections have also been received related to the way in which the planning application has been publicised and a lack of consultation undertaken during this process with local residents. In response to this point, the planning application was publicised in accordance with and

exceeding the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 5.89 In addition residents have stated that they are unhappy with the lack of the pre-application consultation conducted with local residents, Parish Councils and Local Members prior to the formal submission of the planning application. Reference was made to the 'Local Council Charter' at the public meeting in Ansley Common and it was implied that the County Council had not acted in accordance with the document.
- 5.90 It can be confirmed that County Council is under no obligation to conduct pre-application consultation with any party. In addition, the Local Council Charter states in paragraph 7.7 "*Local Councils will also be consulted on: i) All planning applications being determined by the Principal Councils*". This consultation has been undertaken via the formal planning process and the views of all local Parish Councils have been included in this report.

Planning Policy

Designing Gypsy & Traveller Sites – Good Practice Guide by DCLG

- 5.91 The development proposal has been designed to accord with the good practice guidance on designing Gypsy and Traveller sites produced by the Department of Communities and Local Government (DCLG). Although now revoked, the document has been consulted as it is currently the only available guidance in relation to the design of Gypsy and Traveller sites. This guidance, specifically Chapter 9 regarding temporary stopping places, states that the location of the site should provide safe and convenient access to road networks and to also be located so as to cause minimum disruption to surrounding communities.
- 5.92 In this case the proposed site is located adjacent to Oldbury Road and is approximately 5km from the A5 trunk road, which provides a useful cross country link and access to the national motorway network. In addition, the site is located in a semi-rural location at some distance to the nearest residential property (365m in north westerly direction) but still within short driving (1.5km) distance to local facilities, such as shops, educational and medical facilities, found within Hartshill.
- 5.93 The document also provides guidance on how the site should be accessed to ensure that the access points are suitable to accommodate large trailers commonplace in stopping places (i.e. towed caravans) and guidance on internal layouts of such sites to encourage the safe parking of vehicles, to ensure that a safe distance between each pitch is maintained along with clear barriers around the site designed to discourage unauthorised expansion of the site.

- 5.94 The existing use of the site as a chippings store with its associated HGV movements indicates that the site is accessible to vehicles larger than tow vehicles and their caravans. Notwithstanding this, the application proposes improvements to the site access to allow ease of access and egress.
- 5.95 The proposal has been designed with 12 individual pitches located along the strip of land each with a 6m gap between each pitch. In addition, the site has natural boundaries consisting of soil bunds and mature vegetation around its perimeter. Beyond this, Oldbury Road is to the north, woodland occupies the south and west and agricultural land is situated to the east. Given the bunds, vegetation and surrounding land uses it is considered that unauthorised expansion of the site would be unlikely.
- 5.96 The proposal also meets the site services and facilities provision outlined within the guidance which states that a cold water supply is an essential facility that must be installed along with toilet, sewerage and refuse disposal facilities. Specific details on the proposed facilities are discussed within this report and those that have not been provided already have been conditioned for their provision prior to the site's first use.

NPPF

- 5.97 The NPPF seeks to promote healthy communities and states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. The development proposal seeks to achieve this aim by providing a safe, managed facility that caters for the needs of its occupants with a view to increasing living standards for its occupants away from hazards of other unauthorised locations and also by better integrating occupants of the site with local communities through improved relationships, i.e. a reduction in unauthorised encampments.
- 5.98 Conserving and Enhancing the Natural Environment as outlined within the NPPF states that the planning system should contribute to and enhance biodiversity and the natural and local environment. The development proposal does not seek to remove the existing substantial vegetation surrounding the site and instead seeks to improve upon this through the provision of additional planting, the subject of a landscaping scheme to be submitted if planning permission is granted.

Planning Policy for Traveller Sites (PPTS) August 2015

- 5.99 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 of travellers while respecting the interests of the

settled community. To achieve this, the Government's aims in respect of traveller sites are outlined within paragraph 4 of the PPTS.

- 5.100 It is considered that the proposal meets the majority of those aims in that: the authority has made its own assessment of need for the purpose of planning; the authority has planned for need over a reasonable timescale; the application site is not within the Green Belt; the proposal would contribute towards reducing unauthorised developments and encampments and make enforcement more effective; the proposal would increase the number of traveller sites in appropriate locations; the authority has had due regard for the protection of local amenity and the local environment.
- 5.101 This development proposal seeks to go some way to achieving a reduction in unauthorised encampments and developments by providing a site that can accommodate those occupants who reside in unauthorised encampments, which would consequently reduce their number within the Warwickshire.
- 5.102 Policy C states that when assessing proposals for sites in rural or semi-rural locations, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. Although the nearest groups of properties to the application site are on Pipers Lane, and the village of Ridge Lane, it is considered that the nearest 'community' to the site is Hartshill. This is on the basis that services required by site users are provided in Hartshill which are not available in the village of Ridge Lane and certainly not available on Pipers Lane which offer no services whatsoever. With this in mind, the proposal for 12 pitches to be used on a temporary basis is not considered to dominate the nearest settled community.
- 5.103 When determining planning applications for traveller sites the PPTS document states that local planning authorities should consider the following issues amongst other relevant matters:
- The existing level of local provision and need for sites,
 - The availability (or lack) of alternative accommodation for the applicants,
 - That they should determine applications for sites from any travellers and not just those with local connections.
- 5.104 The Gypsy and Traveller Accommodation Assessment in 2007 identified a need in Warwickshire for an additional 40 transit/stopping pitches during the time period of 2007-2012. This was not achieved and therefore the recent Gypsy and Traveller Accommodation Needs Assessment (North Warwickshire and Nuneaton and Bedworth – June 2013) states that this need has not been met.
- 5.105 The Gypsy and Traveller Accommodation Needs Assessment: North Warwickshire and Nuneaton and Bedworth – June 2013 has identified

that there is a need to provide for 5 transit pitches in North Warwickshire Borough and 15-20 transit pitches in Nuneaton and Bedworth Borough between the time period of 2012 – 2017. The application proposal would contribute, if approved, 12 pitches towards the total identified requirement for the two Boroughs, which would be available to any person, regardless of whether they are originally from the County or not.

5.106 In addition, the documents states that great weight should be attached to the following matters when considering applications;

- The effective use of previously developed (brownfield), untidy or derelict land,
- That sites should be well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness,
- To not enclose the site with so much hard landscaping so as to give the impression that site and its occupants are deliberately isolated from the rest of the community.

It is considered that the application proposal meets all of the above requirements.

5.107 Paragraph 27 of the document states that: *“If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable site, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.”* Although this application seeks a permanent permission, and therefore paragraph 27 does not apply, the shortfall in provision identified in the GTAA must be a material consideration.

North Warwickshire Local Plan (Core Strategy) October 2014

5.108 The application has been advertised as a departure from the Local Development Plan. This is because it is considered that the proposal is contrary or partly contrary to one or more specific policies in the adopted local plan. However, the application must be considered against the Plan as a whole and it possible for a proposal to enjoy the overall support of a Plan notwithstanding conflict with one or more specific policy requirements or criteria. If the conclusion is reached that the proposal is not in compliance with the Plan, a judgement must be made as to whether other material considerations outweigh the policies that the proposal contravenes.

5.109 NW1: Sustainable Development

The proposal is considered to be in accordance with the policy and as such in a sustainable location given its nature. The site is approximately 1.5km from the services provided in the settlement of Hartshill which can be reached safely via the public footpath network avoiding the need to travel along Oldbury Road on foot. In addition, the

bus stop on Pipers Lane can also be reached via the public footpath network, which would allow site users access to a sustainable means of transport to wider locations and facilities.

5.110 NW2: Settlement Hierarchy

It should be noted that the nearest settlement to the application site recognised in the Borough's settlement hierarchy is Hartshill with Ansley Common, classified as Category 3A – Local Service Centre (outside of Green Belt).

5.111 NW7: Gypsy & Travellers

The policy states that 9 residential and 5 transit Gypsy and Traveller pitches will be provided between 2011 and 2028 based on current information.

5.112 Given that the application proposes 12 transit pitches it is clear that the proposal would exceed the target number specified by the policy, this does not however mean the policy has been contravened. Especially when consideration must be given to the wider need in the north of the county of Warwickshire. The GTAA stated that 5 transit pitches were required in North Warwickshire Borough and 15-20 were required in Nuneaton and Bedworth Borough.

5.113 The proposal would contribute to the defined need in the wider area and is close to the border of the neighbouring Borough of Nuneaton & Bedworth, meaning access from this area would be convenient. In addition, the application meets large sections of policy contained within the national policy document 'Planning policy for traveller sites' as discussed earlier in this report. There has also been an increase in the number of unauthorised encampments occurring in the wider North Warwickshire area over the last year, a factor which was not taken into consideration when the Core Strategy or the GTAA were formulated. It is therefore considered that, on balance, these other material considerations outweigh the contravened policy in the local plan.

5.114 NW8: Gypsy & Travellers Sites

The proposal is considered to be partly in compliance with the above policy in that: the site is located within a reasonable walking distance of public transport with access to a range of services including school and health services; the site is not located in an area of high flood risk or environmental hazards; the proposal will provide access to fresh water, sewage, drainage and waste disposal; and the site can be assimilated into the surroundings and landscape without significant effect.

5.115 As previously discussed the site has access to the facilities provided in Hartshill and has been confirmed as not at risk of flooding, while the application proposes the provision of the necessary on site facilities. It is also considered that the existing screening provided by the vegetation that surrounds the site would allow the site to assimilate into the surroundings without any significant adverse effect.

5.116 However, it is recognised that the proposal is contrary to part of the policy which states that the number of pitches on a site should be limited to a maximum number of 5 pitches per site and that the number of pitches should be appropriate in scale to the nearest settlement in the settlement hierarchy and its range of services and infrastructure.

5.117 It is considered that the scale of the site is appropriate to the closest settlement in the hierarchy, i.e. Hartshill and Ansley Common which is capable of providing the services required for site users. However, the more than five pitches are proposed. Notwithstanding this, it is considered that an exception should be made as to the number of pitches provided. This is because the site is located so as to be suitable to meet needs in Nuneaton and Bedworth as well as in North Warwickshire, with the two boroughs having a combined need of for 20 or more pitches, and because of its role as an emergency site. In order to perform these functions, the site needs to be of a sufficient size to accommodate the numbers of caravans being experienced at unauthorised encampments in the wider area. It is also material that the site is likely to be unused for significant parts of the year.

5.118 For these reasons, even if the conflict with this specific part of this one policy is considered sufficient to bring the proposal into conflict with the Plan as a whole, the Committee may conclude that other material considerations outweigh that conflict.

5.119 NW10: Development Considerations

The application is considered to comply with the above policy where possible in the context of the proposal. The proposal is located on brownfield land which is adaptable for future uses, promotes healthier lifestyles for the community, encourages sustainable forms of transport, provides proper vehicular access and parking, and avoids unacceptable impacts on neighbouring properties.

5.120 NW12: Quality of Development

The proposal is considered to be in accordance with this policy as it demonstrates a high quality of sustainable design, would deter crime, and conserves and enhances biodiversity.

6. Conclusions

6.1 This application has been submitted due to the identified need for additional transit pitches in the north of the County as a result of the findings of GTAA and the recent rise in unauthorised encampments. An emergency stopping place already has consent in the south of the County and it is envisaged that, should this application gain approval, the two sites would meet the need for transit pitches within the County. This would give the Authority and the local constabulary the means to significantly reduce the number of unauthorised encampments appearing in the County.

6.2 It is accepted that the proposal is contrary to one part of one policy in the Borough Local Plan. However, having assessed all material considerations relevant to the proposal, including National Policy, consultation responses, objections from stakeholders and the case for need, it is considered that the application be recommended for approval.

7. Background Papers

None

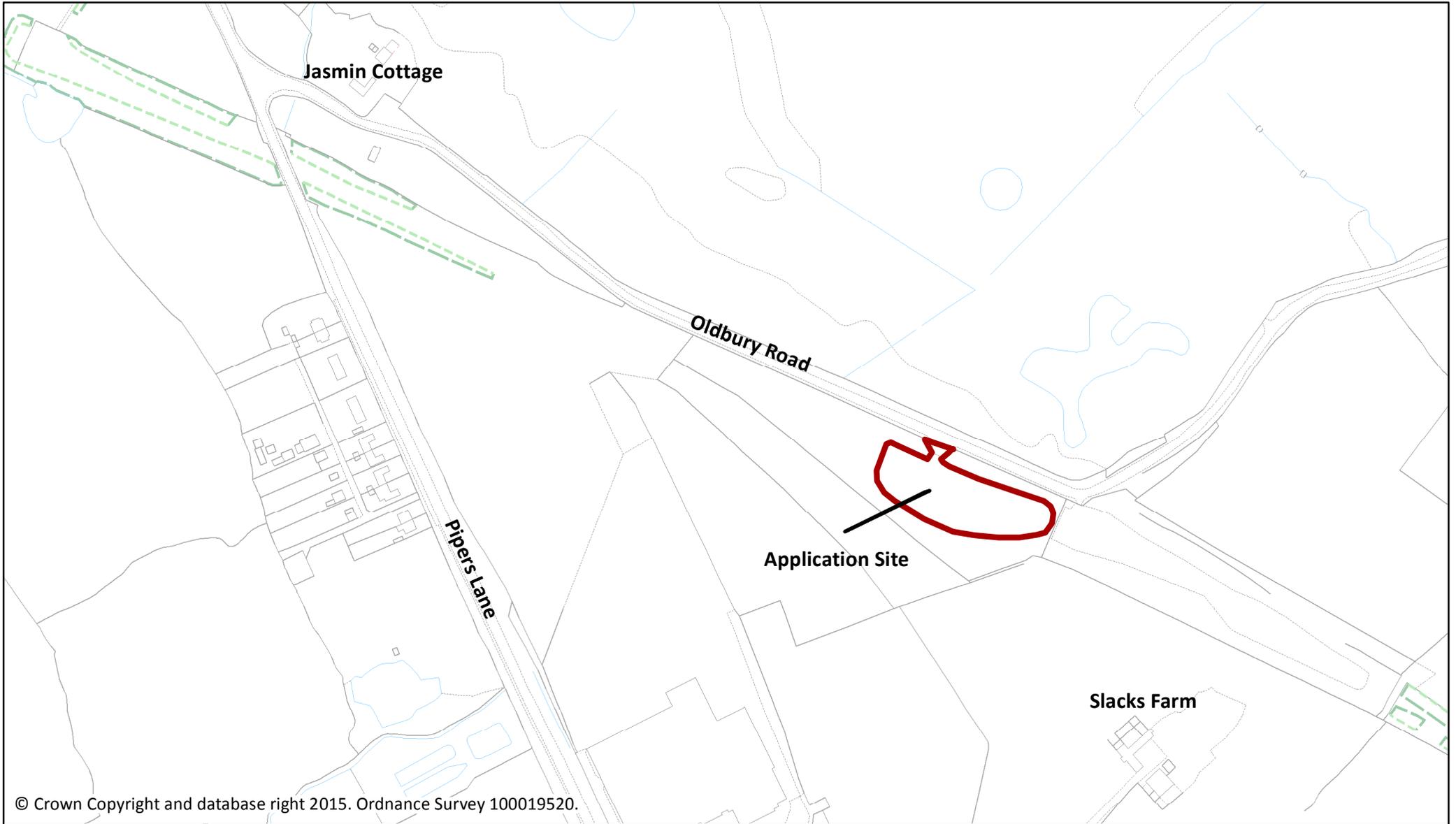
8. Supporting Papers

Submitted Planning Application – Planning reference NWB/15CC015

Appendix A – Map of site and location.

Appendix B – Planning Conditions.

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Application No.: NWB/15CC015
Land Adjacent Oldbury Road, Oldbury, Nr. Nuneaton

APPENDIX A

Regulatory Committee:

Scale: 1:3000

Drawn by: Bee Yew-Booth

Dept.:Communities



Warwickshire County Council
Shire Hall
Warwick, CV34 4SA
Telephone: (01926) 410410
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Appendix B.

Change of use from a chipping storage site to an emergency stopping place for up to 12 caravans at: Land adjacent Oldbury Road, Nr Oldbury, Warwickshire

NWB/15CC015

Planning Conditions.

1. 1. The development hereby permitted shall be commenced no later than 3 years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the details submitted with application reference no. NWB/15CC015 and in accordance with the application forms, the planning statement, the traffic survey dated 07/10/2015, the phase 1 Habitat Survey conducted by Martin Ecology dated October 2015, the site location plan dated 23/10/2015 and plan ref: 3.5---040-001 and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

Reason: In order to define the exact details of the planning permission granted and to secure a satisfactory standard of development in the locality.

3. The development hereby permitted shall not be commenced until a schedule of all boundary treatments have been submitted to and approved in writing by the County Planning Authority. These details shall include fencing design type and access gate type, materials, external colour, height and length and location. The development shall then be carried out in full accordance with the approved schedule prior to the site's first occupation.

Reason: In order to ensure the satisfactory appearance of the completed development.

4. The development hereby permitted shall not be commenced until a suitable landscaping scheme has been submitted to and approved in writing by the County Planning Authority. The submitted

landscaping scheme shall include a planting plan showing existing trees to be retained along with new planting, written specifications, and schedules of plants/trees noting plant/tree locations, species, sizes, proposed numbers and densities.

Reason: To ensure the satisfactory appearance of the completed development.

5. The landscaping scheme approved pursuant to condition 4 of this permission shall be implemented in the first planting season following the first occupation of the site unless otherwise agreed in writing by the County Planning Authority. Should any plants or trees planted as part of the landscaping scheme die, or be removed or become damaged or seriously diseased within five years of the initial planting then they shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure the satisfactory appearance of the completed development.

6. The development hereby permitted shall not be commenced until a suitable scheme for the provision of site facilities is submitted to and approved in writing by the County Planning Authority. This scheme should include the location of and type of toilet facilities, the number of toilets to be provided, the frequency of delivery and collection of toilet facilities from site and the location of a water source to provide for drinking water on site. Once approved, the scheme shall be implemented in full prior to the first occupation of the site and maintained for the duration of the site's use.

Reason: To ensure that the site provides suitable facilities for its intended use.

7. The site shall remain locked and secured when the site is unoccupied and the access gates shall only be operated by the person or agents of the person having control of the site.

Reason: To ensure the security of the site against unauthorised trespass.

8. No person shall stay at the site more for a period of more than 28 consecutive days or for any period commencing within three months of the first day of their last stay at the site.

Reason: In order to define the exact details of the planning permission.

9. The site shall accommodate no more than 12 caravans and 12 parked vehicles at any given time and all caravans and vehicles shall be kept within marked bays.

Reason: In order to define the exact details of the planning permission.

10. No external lighting shall be installed on site without the prior written approval of the County Planning Authority and in accordance with the details of such approval.

Reason: To ensure that the site does not adversely impact upon the surrounding landscape through visual impact and/or light pollution.

11. The development hereby permitted shall not be commenced until a suitable site drainage scheme has been submitted to and approved in writing by the County Planning Authority. Once approved, the scheme shall be implemented in full prior to the first occupation of the site and maintained for the duration of the use hereby permitted.

Reason: To reduce potential flood risk and to ensure occupants safety.

12. The development hereby permitted shall not be commenced until a suitable refuse management scheme has been submitted to and approved in writing by the County Planning Authority. This scheme shall provide details of the type and size of refuse storage containers, the number of containers to be provided on site, the frequency of collection and emptying of containers and arrangements regarding the delivery of refuse storage containers when the site is occupied. Once approved, the scheme shall be implemented in full prior to the first occupation of the site and maintained for the duration of the use hereby permitted.

Reason: To ensure that waste generated by the development is suitably disposed of and does not detrimentally impact upon the local environment.

13. The development hereby permitted shall not be commenced until a suitable waste water and sewage management scheme has been submitted to and approved in writing by the County Planning Authority. This scheme shall include the type and capacity of waste water and sewage collection storage, the location of storage provision and the frequency of maintenance and emptying of storage contents. Once approved, the scheme shall be implemented in full prior to the first occupation of the site and maintained for the duration of the use hereby permitted.

Reason: To ensure that waste water and sewage generated by the development is suitably disposed of and does not detrimentally impact upon the local environment.

14. No part of the development hereby permitted shall be commenced and no equipment, machinery or materials shall be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the County Planning Authority and has been put in

place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and neither shall the ground levels be altered or any excavation take place without the prior consent in writing of the County Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason: To protect trees and other features on site during construction.

15. Prior to the commencement of any works (including site clearance), details of a method statement aimed at controlling and eradicating Himalayan Balsam on site shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details.

Reason: To prevent the unwelcome spread of a non-native invasive plant and in the interests of biodiversity.

16. The development hereby permitted shall be undertaken in the presence of a licensed ecologist appointed by the applicant to supervise all ground clearance works to remove suitable great crested newt and reptile habitat. Should any great crested newts or reptiles be found during this operation, then work must cease immediately whilst WCC Ecological Services are consulted for further advice. In addition to this the ecologist shall submit a brief report to the local planning authority within 1 month following completion of the supervised works to summarise the findings.

Reason: To ensure that protected species are not harmed by the development.

17. The development hereby permitted shall not be used until caravan pitches and parking spaces have been marked out with white paint on site in accordance with approved drawing number 3.5—040---001. Once implemented, the marked areas shall be maintained for the duration of the use hereby permitted.

Reason: To ensure that the site is used in the approved form.

18. The site shall be used for residential purposes only.

Reason: To ensure that no activities take place from the site that may cause detrimental impacts to surrounding land uses and other occupants.

19. There shall be no fires on site (other than domestic heating devices within caravans).

Reason: In interest of public health and safety.

20. The site shall not be used for the use hereby permitted until a scheme to provide a suitable passing place on Oldbury Road has been implemented in accordance with details submitted to and approved in writing by the County Planning Authority.

Reason: In the interest of highway safety.

Notes to Applicant

1. *The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.*

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

2. Badgers and their setts (communal place of rest) are protected under the Protection of Badgers Act 1992, making it illegal to carry out work that may disturb badgers without a Natural England licence. Particular care should be taken when clearing ground prior to development, and if evidence of badger activity is found, (such as foraging routes, snuffle holes, latrines or established setts), then work must stop immediately while WCC Ecological Services or Natural England are contacted.
3. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow badgers to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further

information about species licensing and legislation can be obtained from the Species Licensing Service on 0300 060 3900.

4. Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). The main nesting season lasts approximately from March to September inclusive, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

5. In view of the pond nearby, care should be taken when clearing the ground prior to development. If evidence of great crested newts is found during development, work should stop immediately while Natural England are contacted on 0845 601 4523 for advice on the best way to proceed. Good practice precautionary measures include not leaving piles of bricks, or tiles etc. lying around as newts may attempt to take refuge and/or overwinter in them, storage of building materials above ground on pallets, putting building waste into skips. Great Crested Newts and their habitat (aquatic and terrestrial areas) are protected under the 1981 Wildlife and Countryside Act, the Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2010 the latter of which makes them a European Protected Species. Where newts are present a licence might be necessary to carry out the works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523.

Development Plan Policies Relevant to the Decision.

North Warwickshire Local Plan – Core Strategy

NW1: Sustainable Development

NW2: Settlement Hierarchy

NW7: Gypsy & Travellers

NW8: Gypsy & Travellers Sites

NW10: Development Considerations

NW12: Quality of Development

Compliance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

In considering this application the County Council has complied with paragraphs 186 and 187 contained in the National Planning Policy Framework.