

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	23/00815/FUL Hermitage	1 <sup>st</sup> June 2023 <sup>1</sup>	Part retrospective. Change of use of land for the formation of 5 Gypsy/Traveller pitches comprising of 1 mobile home, 1 touring caravan, and 1 utility building per pitch  Land south of Sandhill, Hampstead Norreys Road, Hermitage  Mr R Black

<sup>1</sup> Extension of time agreed with applicant until 31<sup>st</sup> October 2024

The application can be viewed on the Council's website at the following link:

<https://publicaccess.westberks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

**Recommendation Summary:** Delegated to the Development Manager to grant planning permission subject to conditions.

**Ward Member(s):** Councillors Paul Dick and Heather Codling.

**Reason for Committee Determination:** More than 10 letters of objection received.

**Committee Site Visit:** 21<sup>st</sup> October 2024

#### Contact Officer Details

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## **1. Introduction**

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the retrospective change of use of land from a paddock (agricultural classification) to use as five gypsy and traveller pitches to include a mobile van, 1 mobile home and 1 utility building attached. In addition, a new vehicular access onto the Hampstead Norreys Road would be formed, with fencing on site to separate the pitches. Hardstanding would be laid out on site to accommodate the pitches. The whole site would be landscaped as proposed in the submitted amended plans.
- 1.3 The application site is rectangular in shape and lies immediately to the east of the Hampstead Norreys Road, to the south of Sandhills a detached dwelling adjacent the M4 to the north, to the west of the old rail line now a public right of way, and to the north of a detached bungalow. The site lies outside the defined settlement boundary of Hermitage and lies in the North Wessex Downs National Landscape (NWDNL), formerly the AONB.
- 1.4 The application site is just under 0.5ha. The application is part retrospective as the change of use has already occurred via the siting and occupation of caravans on the site, the laying of hard materials, and the erection of fencing.

### ***Caravans legislation***

- 1.5 Section 29(1) of the Caravan Sites and Control of Development Act 1960 (as amended) sets out that a caravan means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted. Section 13(1) of the Caravan Sites Act 1968 (as amended) defines a twin-unit caravan as a structure designed or adapted for human habitation which is, (a) composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and (b) when assembled it is physically capable of being moved by road from one place to another. Touring caravans, static caravan and various mobile homes constitute 'caravans' under the above legislation.
- 1.6 Caravans are not normally regarded as buildings or operational development under the Planning Acts. The application proposes a use which would enable the siting of caravans on plots. For this reason, it is not necessary to provide plans of individual caravans, and in assessing this application it must be recognised that different caravans will come and go on the site over time, if planning permission is granted. The number of pitches however will be controlled by the application description and the proposed conditions as will the nature of the occupants.

## **2. Planning History**

- 2.1 There is no relevant planning application history.
- 2.2 The planning application is retrospective as initial operational development, and the material change of use occurred without planning permission. The land and development are subject to an injunction from the High Court to prevent further development until such a time as planning permission may be granted. The injunction permits certain named individuals to reside on site in the meantime.

### 3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** The application has been screened under the EIA Regulations, having regard to the development types described in Paragraph 10b (urban development project) and 12e (permanent caravan sites) of Schedule 2, and given the sites location within the National Landscape, a sensitive area under the EIA Regulations. A negative screening opinion has been issued confirming the proposal is not EIA development.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notices were displayed on the 3<sup>rd</sup> of May 2023 with a deadline for representations of the 25<sup>th</sup> May 2023. In addition, another site notice was erected on the 17<sup>th</sup> July with an expiry date of the 31<sup>st</sup> July 2024. This related to additional information being made available on the website along with amended plans. Further consultation has been undertaken on the drainage information submitted and in relation to a footpath link plan as well.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. It is considered by officers that there are no material financial implications to be taken into account in the determination of this application.
- 3.4 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.5 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.6 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion

or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.

- 3.7 As the proposal directly affects gypsies and travellers, a group with protected characteristics, particular regard is required to these objectives. The proposals will result in accommodation on the site, and as such it is considered that the proposal has a positive effect under the Equalities Act and is consistent with the aforementioned objectives.
- 3.8 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.9 It is acknowledged that the Council as a public body is required to take into account the human rights of the applicants as members of the travelling/gypsy community and the needs of the child in relation to such matters as education and health care. In this regard the Council has received confidential information on the personal circumstances of the occupants of the site, which in the view of the officers supports to the overall recommendation of a balanced approval in this case.

## 4. Consultation

### *Statutory and non-statutory consultation*

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<p><b>Hermitage Parish Council:</b></p>	<p>Strong objections to the application on numerous grounds. In summary: Contrary to policy, impact on community as a whole, impact on the National Landscape, drainage and sewerage concerns, noise from the M4, the site may be contaminated, impact on neighbours, poor / dangerous access dangerous, impact on local services, ecologically important area, the fact that unauthorised development has occurred. Outside settlement boundary and the site was greenfield. Application should not be permitted.</p> <p>An additional comment was sent in August this year still objecting to the application on visual impact grounds, the poor highways access , the PEA and LVIA are both poor and of little value and remind the Committee that the site is in the NWD NDL and outside the settlement boundary of the village.</p>
<p><b>Hampstead Norreys Parish Council (adjacent):</b></p>	<p>Object to the application on similar grounds to the above.</p>

<b>Highways Officer:</b>	Originally objected to the application on the basis that insufficient information received. Additional plans submitted. Now recommending conditional permission on the understanding that an amended block plan has been submitted indicating the footway to the south being shown and so conditioned.
<b>Ecologist:</b>	Conditional permission is recommended. The submitted PEA is accepted.
<b>Tree Officer:</b>	Updated site plan showing additional landscaping and updated arboricultural statement submitted. Now recommending conditional permission on the application.
<b>Environmental Health Officer:</b>	Originally concerned with the proximity of the site to the M4 and noise impact plus possible land contamination on site. Additional information submitted. Now recommending conditional approval.
<b>Planning Policy Officer:</b>	Provided details of supply and demand and relevant planning policies, as set out in the body of the report.
<b>Drainage Officer:</b>	Additional information requested. This has been submitted. The drainage officer is generally satisfied with the additional material but has requested additional filtration data and analysis of the submitted drainage calculations.
<b>Thames Water:</b>	No response received.

### ***Public representations***

5. Representations have been received from 62 contributors, all of whom object to the scheme. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- The fact that the site is unauthorised and retrospective so this should be taken into account.
  - Impact on amenity - site is becoming a biohazard , visual impact , additional noise from generators on site.
  - Impact on the character of the area and National Landscape.
  - Contrary to policy.
  - The site is greenfield and is outside the defined settlement boundary of Hermitage
  - Impact on local ecology and trees.
  - Poor/unsafe highways access.
  - Site to the north of the M4 has just been refused so this one should be as well.
  - The Council has taken too long in taking action against the site users.
  - The site is messy and unsightly.
  - Impact on users of the right of way to the east of the site.
  - Impact on local infrastructure and services.
  - No opportunity for local community cohesion as advised in Government policy.
  - Poor drainage on the site and concerns about sewerage.
  - Damaging precedent set if it were to be approved.
  - Fear of crime will increase.
  - Impact on local property values. [not a material planning consideration]

- Applicants are playing the planning system to their advantage.
- Insufficient information submitted with the application to properly assess it.
- Local air quality not good due to proximity of the M4
- No pre application advice undertaken.
- Impact on trees and local wildlife.
- In addition a letter has been sent to Councillors of the Committee urging them to refuse the application on a range of reasons including non-compliance with planning policy, site lies in the National Landscape, LVIA submitted is very poor, and now with the approval of two additional pitches at Enborne the need for further pitches is now no longer so pressing. In addition they cite the recent council refusals of two gypsy and traveller at Brimpton Common. This was sent by a group of locally concerned residents of the Parish. However this letter was anonymous so it is not known how many local residents this letter represents.

## 6. Planning Policy

6.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP5, CS7, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies TS3 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

6.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Policy for Traveller Sites (PPTS)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-24
- WBC Quality Design SPD (2006)
- WBC Planning Obligations SPD (2015)
- WBC Sustainable Drainage SPD (2018)
- West Berkshire District Gypsy and Traveller Accommodation Assessment 2019 and 2021 update
- Chief Planning Officer letter dated 31st August 2015 re intentional unauthorised development and associated Ministerial Statement. 17 December 2015.

## 7. Appraisal

### *The West Berkshire Development Plan*

7.1 The most important policies for determining whether the principle of development is acceptable are Policies ADPP1, ADPP5 and CS7 of the Core Strategy, and Policy TS3 of the Housing Site Allocations DPD. The Core Strategy includes a Spatial Strategy (ADPP1 and ADPP5) that provides a broad indication of the overall scale of development in the district, applying the principles of sustainable development, and

based on defined spatial areas and a settlement hierarchy. Policies CS7 and TS3 relate to gypsy and traveller sites.

- 7.2 According to **Policy ADPP1**, most development will be within or adjacent to the settlements in the hierarchy and related to their transport accessibility and level of services. The urban areas will be the focused for most development. The scale and density of development will be related to the site's accessibility, character and surroundings. Only appropriate limited development in the countryside (outside of the defined settlement boundaries) will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
- 7.3 In this case whilst the application site is not immediately adjacent the settlement boundary of Hermitage, but it is close at about 20 metres distance. Intervening built form of two dwellings comprise the separation. Secondly as will be highlighted later in the report the proposal is addressed an identified need for additional gypsy and traveller pitches within the district. Accordingly, it is considered that the proposal is capable of being a limited form of development that is acceptable in this location.
- 7.4 **Policy ADPP5** is the spatial strategy for the AONB, now National Landscape. However, it is not considered to include any points which are directly relevant to this proposed development. In the environment section of this policy, bullet point 1 notes (inter alia) that development will conserve and enhance the local distinctiveness, sense of place and dark skies and setting of the National Landscape, whilst preserving the strong sense of remoteness, tranquillity and dark night skies, particularly on the open downland. Development should in addition respond positively to its local context.
- 7.5 The impact on landscape character and visual amenity will be examined below, but overall it is considered that the site is visually well-contained such that the impacts of the development are localised.
- 7.6 **Policy CS7 (Gypsies, Travellers and Travelling Showpeople)** is the principal development management policy for this proposed development. It reads as follows (bullet points have been replaced by letters for ease of reference):
- 'To meet the identified need for Gypsies, Travellers and Travelling Showpeople pitches within the District, the Council will make appropriate provision through the identification of sites within the Site Allocations and Delivery DPD. The requirement for transit sites will be addressed through the same DPD.*
- In allocating sites, and for the purpose of considering planning applications relating to sites not identified in the relevant DPD, the following criteria will need to be satisfied for sites outside settlement boundaries:*
- a) *Safe and easy access to major roads and public transport services;*
- 7.7 The application site does not currently have such an access but by appropriate conditions it is considered that a safe access can be constructed onto the B4009 once the appropriate plan is conditioned as submitted. The works to be undertaken within a specific period post the decision date.
- b) *Easy access to local services including a bus route, shops, schools and health services;*
- 7.8 It is noted that location of the application site is very good in this regard since the local school is nearby and health facilities are in the vicinity i.e. the Downland Practice. In addition, the Downs Secondary School lies only about 3 miles to the north of the site on a school bus route. There are a number of shops in Hermitage as well.

- c) *Located outside areas of high flooding risk;*
- 7.9 The application site lies in Flood Zone 1 which indicates the lowest risk of river flooding. There are no other on-site constraints regarding flood risk.
- d) *Provision for adequate on site facilities for parking, storage, play and residential amenity;*
- 7.10 The density of the application site is low in that given there are 5 pitches, each one is approximately 0.1 of a hectare. This is ample space for the siting of a utility building a mobile home and caravan. By condition no commercial use will be permitted on the site as this would not be taken to be acceptable in this residential location.
- e) *The possibility of the integrated co-existence between the site and the settled community, including adequate levels of privacy and residential amenity both within the site and with neighbouring occupiers;*
- 7.11 It is conceivable that the unauthorised way in which this development took place will undermine the possibility of integrated co-existence. However, the good access to local facilities, including local schools, would typically be key routes in which positive integration and co-existence could be facilitated.
- f) *Opportunities for an element of authorised mixed uses;*
- 7.12 No mixed/commercial uses are proposed, which is considered appropriate in this location.
- g) *The compatibility of the use with the surrounding land use, including potential disturbance from vehicular movements, and on site business activities;*
- 7.13 Commercial uses will not be permitted in this location. In terms of compatibility with the sites surrounds it is acknowledged that there will be a degree of visual impact on the adjoining occupiers to the north and south as the development is clearly visible, but this is considered to be acceptable given the generous spacing of plots.
- h) *Will not materially harm the physical and visual character of the area;*
- 7.14 The application site is well self-contained with no opportunity in the future for any physical expansion of the site in any direction. It is also currently well-screened and the proposed landscaping buffer screen will additionally assist in mitigating any future potential visual impact. Account will need to be taken of the 2.3 metre acoustic screens for the mobile units however which will have a degree of visual impact in addition.
- i) *Where applicable have regard for the character and policies affecting the North Wessex Downs AONB.'*
- 7.15 This is considered in more detail below, but officers consider that this criterion is met.
- 7.16 To give clarity on the supporting information expected from development proposals a detailed planning considerations policy is included within the Housing Site Allocations DPD. **Policy TS3** (Detailed Planning Considerations for Travellers Sites) reads as follows (bullet points have been replaced by letters for ease of reference):
- 'Proposals for development will be expected to comply with policies within the West Berkshire Development Plan and have regard to guidance outlined in the Government's good practice guide on Designing Gypsy and Traveller Sites where appropriate. In addition proposals will:*



- a) *Provide an integrated water supply and drainage strategy in advance of development to ensure the provision of adequate and appropriate infrastructure for water supply and waste water, both on and off site. Development will be occupied in line with this strategy. All sites that are not connected to the mains sewerage system will ensure there are no deleterious effects to Special Area of Conservation (SACs) and river and wetland Site of Special Scientific Interest (SSSIs).*
- 7.17 Thames Water have been consulted on the application but at the time of writing this report no response has been received. It is noted that to the south of the site lies a mains foul drainage outlet serving the existing dwellings to the south. If the application is approved the applicants would be in a position to connect into this drainage at their own cost.
- b) *Incorporate appropriate vehicle access and turning space.*
- 7.18 Acceptable access and turning space is provided for in the proposed plans.
- c) *Include appropriate landscaping proposals, retaining and incorporating key elements of landscape character into the site design.*
- 7.19 The site is already contained by natural screening. In particular the boundary vegetation to the east is very strong. The Council's tree officer is content with the outline of the proposed landscaping scheme in terms of the site and tree screening.
- d) *Be well designed and laid out with shelter and amenity buildings which are appropriately located and constructed of sympathetic materials suited for the purpose.*
- 7.20 The submitted block plan shows a layout which is considered to be acceptable by officers. Sufficient space is laid out on site to accommodate the pitches and utility building noted plus the five mobile homes.
- e) *Provide a mix of residential and business use where appropriate.*
- 7.21 No businesses uses are proposed, and this will be conditioned to ensure protection of local amenity.
- f) *Provide a Flood Risk Assessment in accordance with Policy CS16 of the adopted Core Strategy.*
- g) *Demonstrate that surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).*
- 7.22 As the site is in Flood Zone 1 and less than 1ha in area, a Flood Risk Assessment has not been submitted, as it is not required by Policy CS16.
- h) *Include measures to improve accessibility by, and encourage use of, non-car transport modes. These measures should be set out in a Travel Plan for the site.*
- 7.23 Given the location of the application site, adjacent the built up area of Hermitage, the proposal is considered to be in a sustainable location. The scale of development does not necessitate a travel plan.
- i) *Identify internal walking routes and show how they will be linked to existing routes including the Public Rights of Way network. They will also take advantage of the landscape features of value within the site. Opportunities to improve external routes to services and facilities will be sought.*

- 7.24 There are none on-site but a footpath runs nearby to the east which could easily be used by the occupants of the site. Amended plans show a new footpath link from the existing vehicle access to the existing pavement to the south.
- j) Identify measures to be provided to mitigate the impact of development on the local road network as identified by a site specific Transport Assessment or Transport Statement.*
- 7.25 The highways officer has confirmed that there are no highways /transport objections to the application.
- k) Identify appropriate green space/green infrastructure in line with the Council's adopted standards as set out in Policy RL1 of the Local Plan 1991 – 2006 (Saved Policies 2007).*
- 7.26 The proposed development does is not of a scale which triggers the need for additional provision of open space under Policy RL.1. However, it is noted that to the east of the site there is a children's play area.
- l) Provide necessary infrastructure to meet the needs that arise from the development as a whole, in accordance with both the most up to date Infrastructure Delivery Plan (IDP) and through conformity with the appropriate standards.*
- 7.27 No site-specific infrastructure has been identified as necessary due to the scale of development. However, CIL may be chargeable on the utility buildings.
- m) Provide a Landscape and Visual Impact Assessment (LVIA) in accordance with the Landscape Institute Guidelines for Landscape and Visual impact Assessment 3rd ed. 2013. This will inform the development design and layout of the site and requirements for green infrastructure.*
- 7.28 This has been provided and is examined below.
- n) Provide an extended phase 1 habitat survey together with further detailed surveys arising from that as necessary. Appropriate avoidance and mitigation measures will need to be implemented, to ensure any protected species are not adversely affected.*
- o) Provide appropriate mitigation to offset impact on key species and habitats through appropriate buffering, on-site mitigation and off-site compensation measures.*
- 7.29 The preliminary ecological appraisal has been undertaken. The Ecologist has no objections on this basis. He is accordingly recommending conditional approval.
- p) Provide a design, layout and siting plan for the development.'*
- 7.30 This criterion has been met.

### **National planning policy**

- 7.31 The National Planning Policy Framework (NPPF) at paragraph 63 states 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including travellers). A footnote in the NPPF then states 'Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document'.

- 7.32 The DCLG publication Planning policy for traveller sites (PPTS) (December 2023) sets out the Government's planning policy for traveller sites, which should be read in conjunction with the NPPF. 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.
- 7.33 In the decision making section planning authorities are asked to take into account the following issues: the existing level of provision, the availability (or lack of) alternative accommodation, and other personal circumstances of the applicant. In addition applications from non-local travellers should also be considered as is the case here.
- 7.34 Weight should be attached to whether the land is brownfield or not, whether the site well planned, promoting opportunities for healthy lifestyles and not enclosing the site to such a degree that this isolates the site from the local area.
- 7.35 In this case it is appreciated that the site was greenfield prior to the development, so this weighs against the scheme. However, it is considered that in terms of density and layout the site is well planned, with the opportunity for some child's play areas and the fact that the site can be "naturally" enclosed by existing vegetation as opposed to, for example, high fencing. This weighs in favour of the scheme.
- 7.36 In addition, it is noted in paragraph 27 that if local planning authorities cannot show an up to date 5 year pitch supply, this will be a significant material consideration, and whether the LPA should or should not grant a temporary permission. The exception to this is where the site lies in a National Landscape (formerly AONB). Clearly this application site does so the Committee will need to take this into account in balancing their decision.
- 7.37 Finally it is noted in the PPTS that sites should not dominate the local community. Hermitage is a Service Village, identified as having a more limited, yet valued, range of services. The addition of five pitches would represent a limited addition to the village. Undue pressure on local infrastructure should similarly not arise, given the very modest increase in population to the village.
- 7.38 It is considered, on balance, that notwithstanding the fact that the site was greenfield and in the National Landscape, the other positive merits of the scheme outweigh these demerits, in relation to the PPTS policy.

### ***Emerging policies***

- 7.39 According to paragraph 48 of the NPPF, local planning authorities may give weight to relevant policies in emerging plans according to: (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 7.40 The current development plan period runs up to 2026. The Council is in the process of reviewing its Local Plan to cover the period up to 2041. The Examination in Public hearings have now been completed. The draft plan includes Policy DM20 (Gypsies, Travellers and Travelling Showpeople), which would replace and consolidate Policies CS7 and TS3. Whilst emerging Policy DM20 attracts only limited weight at this stage, it should be noted that the general approach remains consistent with current policies and existing allocations in the HSA DPD are proposed to be carried forward. It further

states that “permanent gypsy and traveller sites will be developed on sites located in or well-related to existing settlements.”

### **Local need and supply**

- 7.41 According to the PPTS, the local planning authority should consider the existing level of local provision and need for sites. The Council has a legal duty to plan for adequate accommodation for the Gypsy and Traveller community.
- 7.42 The Council has a Gypsy and Traveller Accommodation Assessment (GTAA) carried out in 2019 and updated in 2021. The definition of “gypsy and traveller” has been updated in the meantime, however the assessment already assessed the overall need as is now required under the new definition. As part of the Local Plan examination the Inspector asked the Council to delete references to ‘cultural’ and ‘PPTS’ need, as was previously set out in the GTAA and in proposed Policy DM20, as the ‘PPTS’ need was calculated under a previous definition of Gypsies and Travellers.
- 7.43 The table below presents the overall residual need across the period 2021 to 2038, after the supply at the time of the 2021 GTAA was taken into account. The sites listed are planned or have gained permission since the GTAA was written, leaving a need of 18 pitches.

Additional permanent pitches required 1 April 2021 to 31 March 2038	30
Additional permanent pitches provided 1 April 2021 to 31 March 2023	
<ul style="list-style-type: none"> <li>• New Stocks Farm, Paices Hill, Aldermaston</li> <li>• Four Houses Corner, Padworth</li> <li>• Ermin Street, Lambourn Woodlands</li> <li>• Washwater Stables, Enborne Row, Wash Water</li> </ul>	<p>8</p> <p>1</p> <p>1</p> <p>2</p>
Total pitches provided 2021-2023	12
Permanent pitches required 1 April 2023 to 31 March 2038	18

Note that the one pitch at Four Houses Corner is in addition to the 16 pitches already accounted for in the supply of Gypsy and Traveller sites.

- 7.44 The table above does not identify the 5 year period (2021-2026) or the period between 2026 and 2038. Under the previous definition of the PPTS the Council could show they had a 5 year supply of pitches. This was supported in the Inspector’s decision for the planning appeals for Four Acres, Ermin Street, Lambourn Woodlands and for Lawrences Lane, Thatcham. However, the change to the PPTS definition means that the Council needs to meet all of its need (previously labelled as ‘cultural’ need), and the implication is that the Council have a shortfall of sites to meet the 5 year need. Due to the permitted and planned supply of pitches (the list of sites identified in the table above) the shortfall is 1 pitch.
- 7.45 Taking into account the need for 1 pitch in the short term, the outstanding requirement is 17 pitches up to 2038. There are no new sites identified in the Local Plan Review, aside from the site at Paices Hill, Aldermaston which has been carried forward from the Housing Sites Allocation Development Plan Document. In seeking to meet this need a Gypsy and Traveller Accommodation Development Plan Document is

proposed. A call for sites has not yielded a high response rate, as only 1 site was promoted (1 pitch).

- 7.46 The addition of five pitches would be of benefit in meeting the local identified need.
- 7.47 Consistent with the PPTS, the contribution this site may make to meeting the local identified need for gypsy and traveller pitches within the district is a significant factor weighing in favour of the proposal, particularly where there is a small (one pitch) shortfall in the five year supply.

### ***Landscape character, visual amenity and National Landscape***

- 7.48 The NPPF in paragraph 176 notes that great weight should be attached to the conservation of the natural quality and beauty of National Landscapes. In addition, policy CS19 in the Core Strategy notes that (inter alia) new development in terms of assessing them against future landscape impact, should note the sensitivity of the area to change and the scheme should be appropriate in terms of location, scale and design, in the context of the existing settlement form.
- 7.49 In this location, the area the sensitivity of the area to change in landscape terms is lessened by the influence of the M4 to the north, and the site's proximity to the built up area of Hermitage. The area to the south of the application site is largely built up and one dwelling lies to the north. Whilst open countryside lies to the east and west of the site, views in and out of the application site are relatively restricted by virtue of the good natural screening and the existing built form. Accordingly, it is the view of the officers that whilst inevitably some visual harm will arise, this will be localised to the site itself and the immediate vicinity, and any wider impact on the National Landscape is minimal.
- 7.50 The Council appointed an independent report on the validity of the conclusions of the applicant's submitted LVIA. The full report is available for inspection with the application document, but in summary she concluded that the process of the LVIA is flawed in that it took the baseline position as being the existing situation with caravans on the site, as opposed to the existing greenfield nature of the paddock. She goes on to note that the paddock positively contributed to the natural transition between the built-up area of Hermitage, and the inclusion of the new gypsy site harms that transition, to the detriment of the National Landscape, and there is conflict with policies ADPP5 and CS19.
- 7.51 She also notes that there will be harm to the users of the B4009 to the west of the site and harm to the users of the Eling Way to the east of the application site. There will also be harm to the natural screening around the application site which being largely deciduous, will mean that the level of visual harm will arise during winter months. She also makes the point that should the application be approved and the present injunction removed on the site, the level of built form will inevitably rise on the site including hardcore, fencing day rooms, lighting and so on. This in turn will create addition visual harm.
- 7.52 Taking into account the independent Landscape Consultant's advice, it is considered that the development will result in landscape and visual harm to the site and its immediate surroundings. In this respect it fails to conserve and enhance the landscape and scenic beauty of the National Landscape. However, it is considered by officers that the proposal causes only modest harm to the character and appearance of the area given the scale of the development in comparison to surrounding development, its proximity of the M4 motorway to the north, and the localised extent of this harm to only the site and its immediate surroundings.

### ***Highway matters***

- 7.53 Policy CS13 in the Core Strategy states that any development which causes a transport impact should improve opportunities for safe travel and improve travel choices. They should also show good access to key services and facilities. In this case the highways officer has accepted that the site will not generate unacceptable traffic levels onto the local network.
- 7.54 A tracking plan has been submitted which indicates acceptable turning areas on site for larger vehicles is possible. There is adequate parking space on site (two spaces per pitch) to ensure no additional parking will occur on the adjacent highway.
- 7.55 The necessary forward visibility splays available are acceptable in relation to the surveyed traffic speeds along the B4009 in both directions. The location of the application site means that there is good access to key local facilities, and it is accepted the application site lies in sustainable location.
- 7.56 In order to facilitate safe and suitable local footway access a plan has been submitted to ensure a link from the southern access point of the new entrance to the site to link into the existing footway on the east side of the B4009. This will accordingly be conditioned, if the application is approved.
- 7.57 The application is considered to comply with Policy CS13.

### ***Drainage***

- 7.58 The application site is located in Flood Zone 1, which has the lowest risk of river flooding, and there are no other significant flooding constraints affecting the site. Given that the site area is less than 1 hectare, and there are no flood constraints, Policy CS6 does not require a Flood Risk Assessment (FRA). There are no fundamental issues in terms of flood risk.
- 7.59 Nonetheless, all developments sites are expected to manage drainage in a sustainable manner.
- 7.60 At the time of writing this report the Council has recently received additional on-site drainage information from the applicant, in order to ensure that if the application is approved it will comply with the advice in policy CS16, to ensure that no undue drainage problems occurs off site onto the adjacent highway, nor indeed any flooding problems arise on the application site. The Council's drainage officer has examined the additional information and has requested additional details regarding infiltration and the nature of the substrata, but he does note that if this detail is supplied and is satisfactory there is no in principle objection to the site being adequately drained.
- 7.61 It is expected that on the update sheet this additional information will be supplied, and an appropriate drainage condition applied. If for any reason the additional information is not supplied in time the update sheet will reflect an amended recommendation to delegate to officers to grant planning permission subject to the resolution of this issue before determination.

### ***Noise and contamination***

- 7.62 The site is close to the elevated section of the M4 to the north with one intervening house (Sandhills). The Environmental Health Officer accordingly initially raised concerns about the potential ongoing noise impact caused by the M4 on the occupants of the site, particularly as caravans have little physical opportunity to lessen noise via

sound insulation. The distance of the northern boundary of the application site to the M4 is approximately 120 metres.

- 7.63 An Acoustic Assessment was accordingly requested from the applicant and this has been submitted. This indicated that the occupants on site during nighttime hours will suffer noise levels above the recommended maximum thresholds, due to the M4. It is accordingly recommended that conditions be applied to construct acoustic barriers to the north of each mobile home pitch to lessen this impact. Details of these barriers will be sought by condition to ensure their visual appropriateness. The EH Officer raises concerns that even with the acoustic barriers in place the windows will need to be closed for the majority of the time to ensure acceptable noise levels, and as a result additional ventilation will be required. However, they note that ventilation is covered by BS3632:2015. Accordingly, they recommend that a condition is attached to ensure that the units are BS3632:2015 compliant.
- 7.64 The EH Officer has also recommended some conditions about contaminated land on the site, should it be found, and this in addition can be conditioned. On balance, it is considered that with the appropriate conditions the scheme will be acceptable with the acoustic mitigation put in place and that in relation to contaminated land.

### ***Ecology***

- 7.65 Core Strategy Policy CS17 states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. Habitats designated or proposed for designation as important for biodiversity or geodiversity at an international or national level or which support protected, rare or endangered species, will be protected and enhanced. The degree of protection given will be appropriate to the status of the site or species in terms of its international or national importance.
- 7.66 Development which may harm, either directly or indirectly,
- a) locally designated sites (Local Wildlife Sites and Local Geological Sites), or
  - b) habitats or species of principal importance for the purpose of conserving biodiversity, or
  - c) the integrity or continuity of landscape features of major importance for wild flora and fauna

will only be permitted if there are no reasonable alternatives and there are clear demonstrable social or economic benefits of regional or national importance that outweigh the need to safeguard the site or species and that adequate compensation and mitigation measures are provided when damage to biodiversity/geodiversity interests are unavoidable.

- 7.67 The application has been accompanied by a Preliminary Ecological Appraisal (PEA), which the Council's Ecologist has examined. It is noted that immediately to the east of the application site lies mixed deciduous woodland which forms part of Furze Hill local wildlife site. Whilst not ancient woodland it is important that the use of the site does not have a detrimental impact on this woodland nor the related ecology. No protected species were found on the application site, but the area would be used for foraging bats.
- 7.68 The Council's Ecologist is accordingly recommending conditional approval to the application. The conditions will include control of lighting, and the ecological improvements identified in the PEA being implemented within a certain timescale. The proposal is therefore considered to comply with Policy CS17 subject to conditions.

7.69 In addition, the Council's Tree Officer has not objected to the proposal on the basis of the updated arboricultural assessment and landscaping plan now submitted. He is accordingly recommending conditional approval.

### ***Neighbouring amenity***

7.70 The application site adjoins two existing residential properties – Torcove to the south and Sandhills to the north – and the development would be visible from these neighbouring properties. The loss of a private view and the impact on property prices are not material planning consideration, and so these factors cannot be taken into account.

7.71 There will be a degree of impact in terms of some loss of outlook and disturbance from additional activity on the land, but this is not considered to be at a level which would justify refusing planning permission. In addition the Environmental Health Officer has raised no objections to the proposal on the basis that unacceptable noise would arise from the application site use, upon adjoining occupiers, in light of the high prevailing background noise levels caused by the M4 as noted above.

7.72 It is also considered that, due to the spacing of pitches, there would not be any harmful degree of overlooking that would be out of character of development elsewhere on the edge of Hermitage.

### ***Community cohesion and fear of crime***

7.73 Chapter 8 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

7.74 According to Policy CS14, development proposals will be expected to (amongst others) create safe environments, addressing crime prevention and community safety; and consider opportunities for a mix of uses.

7.75 A specific consideration for traveller sites in Policy CS7 is “the possibility of the integrated co-existence between the site and the settled community, including adequate levels of privacy and residential amenity both within the site and with neighbouring occupiers”. Paragraph 26 of the PPTS also states that local planning authorities should attach weight to not enclosing a site with so much hard landscaping, high walls or fences that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.



7.76 Objections have been received from 62 contributors, and the comments made includes concerns about the future ability and likelihood of the current occupiers of the site effectively forming part of the Hermitage community. It is recognised that accessibility to local services, and particularly schools, are key means by which families may integrate into the wider community. The location of the site does mean easy accessibility to several local facilities such as the parish hall and school nearby. In addition, the site will not be enclosed by high fencing or other boundary treatments as to automatically encourage physical isolation. Accordingly the location of the site and the design of the proposal are considered to respond positively to these policies.

7.77 Some respondents are concerned about the fear and perception of increased crime arising from the application site.

7.78 The fear of crime is capable of being a material consideration, as was established by the courts in *West Midlands Probation Committee v SSE And Walsall MBC (1997) JPL 323*, which related to a bail hostel. The key legal authority for when fear of crime may be material to a planning decision is *Smith v SoS 2005*, which related to a gypsy caravan site and therefore provides direct guidance for this application.

7.79 Smith established that, to be a material planning consideration:

- a) The fear and concern must be real, by which it must have some reasonable basis, though falling short of requiring the feared outcome to be proved as inevitable or highly likely; and
- b) The object of that fear and concern must be the use, in planning terms of the land.

7.80 In *Smith*, the court considered a gypsy caravan site with a history of crime, including some “quite alarming events, one including over 100 officers, of whom 18 were armed, backed up by 3 dog handlers and a helicopter.” In considering whether fear of crime was a material planning consideration in this case the judge said the following:

**“But a caravan site is not like a polluting factory or bail hostel, likely of its very nature to produce difficulties for its neighbours. Granted that the evidence of recently passed events attributable to the site was sparse, or on a strict view non-existent, the fear must be that the concern as to future events was or may have been based in part on the fact that the site was to be a gypsy site. It cannot be right to view land use for that purpose as inherently creating the real concern that attaches to an institution such as a bail hostel.”**

7.81 Having regard to the above legal authorities, it is considered that fear of crime is not a material planning consideration in this instance.

### ***Intentional unauthorised development***

7.82 Whilst the fact that an application is retrospective is not normally a material planning consideration, in 2015 the then Secretary of State set out a Written Statement indicating why intentional unauthorised development should become a material planning consideration in determining planning applications for unauthorised gypsy and traveller development in order to create a level playing field and not to undermine public confidence in the planning system.

7.83 This development is currently unauthorised and was undertaken in a manner in which it is considered that this Government policy on intentional unauthorised development applies. These actions have clearly caused distress to local residents, as is evidenced

by the high level of objections received. This may in turn also affect the opportunities for effective community cohesion. However, aside from this, it is not considered that the retrospective nature of this application has resulted in any additional planning harm. The site and proposal are otherwise considered acceptable on their merits, and neither the consideration of a planning application or any enforcement action should be undertaken in a way to penalise such unauthorised development. It is considered that the way in which this development occurs weighs against the proposal, but as it has resulted in minimal planning harm, it is considered that this should only be given limited weight.

### ***Other matters***

- 7.84 Some objectors have raised the issue of precedent. Whilst this can be a planning matter it is a well-established principle that each application should be assessed upon its own individual planning merits. It is also the case that should this application be approved, since the site is so well physically contained on all boundaries there can be no opportunity for expansion in the future.
- 7.85 Some respondents have expressed concern about the devaluation of property but this is not a material planning consideration.
- 7.86 It is accepted this has taken some time to determine this application, but the Council has had to make requests of the applicant for additional information on the scheme on numerous occasions, which has taken time to be submitted. The Council now has sufficient information to proceed with a recommendation on the application.
- 7.87 Finally, some consider that local air quality is poor due to the proximity of the M4. The Council's Environmental Health Officer has not objected to the application on this basis.

## **8. Planning Balance and Conclusion**

- 8.1 As set out above, the adopted development plan policies take a permissive approach to development to gypsy and traveller sites outside of settlement boundaries. Unlike general residential development, there is not a presumption against gypsy and traveller development. National policy accepts that such sites are normally rural, but discourages sites which are isolated and remote from settlements. In these respects, a site adjacent to a settlement boundary with nearby facilities and amenities is generally favoured.
- 8.2 On the one hand it is recognised that this application is highly contentious in the local community with no support for the scheme in the representations received. It is also noted that the application is partially retrospective, and the site is presently in an unfinished and untidy condition. This is effectively controlled by the injunction served and the planning process. It is also noted that the site was initially greenfield and lies outside a defined settlement boundary. The site is close to two neighbouring properties, but the impact on these is not considered harmful in planning terms.
- 8.3 There would be a degree of harm to landscape character and visual amenity, as identified by the Council's Landscape Consultant. However, given the context of the site adjacent to existing built form, and the localised impact, it is considered that this harm only attracts moderate weight in the planning balance. It is not considered that the special characteristics of the wider National Landscape are unduly affected.
- 8.4 The application site is generally well screened, has an acceptable access point and lies in a sustainable location. In addition it complies with a significant range of policies

in the development plan and national policy. In addition, if permitted it would make a meaningful contribution to meeting locally identified needs, and the existing 1 pitch shortfall in the five year supply is a significant material consideration.

- 8.5 Overall, it is considered that the proposal's compliance with planning policy and its associated benefits outweigh the harms identified. As such the application is recommended for conditional approval.

## 9. Full Recommendation

- i) To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

### **Conditions**

1. **Remedial work timescale**

Within 3 months of the date of this decision, works shall be completed to bring the development in accordance with the approved plans.

Reason: The existing development on site does not accord with the approved plans, and therefore remedial works are required.

2. **Approved plans**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents listed below:

Job number J004472-DD-01, 03,04,05A and 06  
LVIA plan 877/01

Reason: For the avoidance of doubt and in the interest of proper planning.

3. **Maximum pitches**

No more than five pitches shall be provided on site at any one time. Each pitch shall contain no more than one touring caravan, one mobile home/static caravan, and one utility/day room.

Reason. To clarify the permission and to ensure no future overdevelopment of the site in accordance with policy CS7 in the WBCS of 2006 to 2026.

4. **Occupation restriction**

The site hereby permitted shall not be occupied at any time other than by Gypsies and Travellers, as defined in the Planning Policy for Traveller Sites of December 2023.

Reason: To comply with policy CS7 in the West Berkshire Core Strategy 2006-2026, and to maintain a supply of pitches.

5. **Land contamination**

If any previously unidentified contaminated land is found during remainder of the development operations, it shall be reported immediately in writing to the Local Planning Authority (LPA). Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. These submissions shall be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership

of a relevant professional organisation), and conducted in accordance with current best practice. The remediation scheme shall ensure that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. Thereafter, any remediation measures shall be carried out in accordance with the approved details. Unless otherwise agreed in writing by the LPA, the development shall not be occupied until any approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA.

Reason: To ensure that any unexpected contamination encountered during the development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to human health or the environment. This condition is applied in accordance with paragraphs 170, 178, 179 and 180 the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

#### 6. **Ecology**

All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecological Appraisal (August 2023, Arbtech).

Reason: Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

#### 7. **Lighting**

Within 3 months of the date of this decision a “lighting design strategy for biodiversity” for mobile homes, touring caravans, utility buildings and access routes shall be submitted in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Once approved by the LPA, all the external lighting shall be installed in accordance with the specifications and locations set out in the strategy, within the appropriate timescales, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: Bats are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

#### 8. **Biodiversity improvements**

Within 6 months of the date of this decision, the following biodiversity improvements shall be provided/completed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority:

- a) Retained trees, woodland, and hedgerows should be protected.
- b) The installation of dormouse boxes at the site. These should be approximately 1.5m from the ground in appropriate habitat within the site boundaries.
- c) The installation of two bat boxes at the site will provide additional roosting habitat for bats. The bat boxes will be installed on new buildings or retained trees in the site boundary.

Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

9. **Noise mitigation**

Within 6 months of the date of this decision, a scheme for protecting the development from noise from the M4 Motorway shall be completed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the recommendations of Noise Impact Assessment report 1510.NIA.00.

Reason: To protect occupiers of the proposed development from noise. In accordance with policy OVS6 in the WBDLP of 1991 to 2006.

10. **Noise mitigation (caravan standards)**

Within 6 months of the date of this decision, and in perpetuity thereafter, all mobile homes being used for occupation on the site shall be BS3632:2015 compliant

Reason: To protect occupiers of the proposed development from noise. In accordance with the advice in policy OVS6 in the WBDLP of 1991 to 2006.

11. **No commercial use on site**

At no time shall any form of business/commercial use operate on the site.

Reason. To protect local amenity in accordance with the advice in policy OVS6 in the WBDLP of 1991 to 2006 and policy CS14 in the WBCS of 2006 to 2026.

12. **Parking**

Within 3 months of the date of this decision, the parking and turning shall be provided for the site and all pitches in accordance with the approved details. Thereafter these parking and turning spaces shall be kept available for parking and manoeuvring at all time.

Reason. To ensure that no additional parking occurs on the adjacent B4009 in accordance with policy CS13 in the WBCS of 2006 to 2026.

13. **Landscaping**

Within 3 months from the date of this decision, a soft landscaping scheme shall be submitted to the Local Planning Authority for approval. This scheme shall provide details of buffer strips of no less than 5 metres to the southern and northern boundaries of the site. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following approval of these details. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees,

shrubs or hedges of a similar size and species to that originally approved.

Reason. To ensure the site is well screened in accordance with policies ADPP5, CS14 and CS19 of the WBCS of 2006 to 2026.

**14. Footway**

Within 3 months of the date of the permission details of a 1.5 metre wide footway to be constructed southwards, between the site and the dwelling known as Torcove must be submitted to the Local Planning Authority. Once approved the scheme shall be constructed to the satisfaction of the LPA within 3 months of that approval date. Any statutory undertaker's equipment or street furniture located in the position of the footway/cycleway must be re-sited to provide an unobstructed footway/cycleway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

**15. Gates**

Any gates to be provided at the access where vehicles will enter or leave the site, shall open away from the adjoining highway and be set back a distance of at least 15.0 metres from the edge of the highway.

Reason: In the interest of road safety and to ensure that vehicles can be driven off the highway before the gates are opened. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

**16. Surfacing of access**

Within 3 months of the date of this permission, details of the surfacing arrangements for the vehicular access to the highway must be submitted to the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of 15.0 metres measured back from the carriageway edge. The access shall be constructed in accordance with the approved details, within 3 months of the approval date.

Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

**17. Visibility splays**

Within 3 months of the date of this permission, the visibility splays at the access must be provided in accordance with drawing number 2305055-01 dated October 31st 2024. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

**18. Parking**

Within 3 months of the date of this permission, details of the vehicle parking and turning space/areas must be submitted to and approved in writing by the Local Planning Authority. Within 3 months of the approval of the noted plan the vehicle parking and turning spaces/areas must be provided in accordance with the approved details. The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).