

# Suggested Conditions

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**Appeal Ref:** APP/W0340/W/24/3356688

**Site:** Land South Of Sandhill, Hampstead Norreys Road, Hermitage, Thatcham, RG18 9XU

**Proposal:** 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.

**Application:** 23/00815/FUL

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West Berkshire Council suggest the following conditions in the event that the Inspector decides to allow the appeal, in addition to the standard commencement and approved plans conditions. These suggested conditions are provided without prejudice to the Council's position on the appeal proposal.

## Suggested conditions

### 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.

### 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.

### 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.

### 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.

### 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).

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **Electric Charging Point (details to be submitted)**

No development shall take place until details of an electric vehicle charging point have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until/The development shall not be brought into use until/The dwelling shall not be occupied until/No dwelling shall be occupied until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**Footway/cycleway provision (details required)**

No development shall take place until details of a 1.5 metre wide footway to be constructed southwards, between the site and the dwelling known as Springdale have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the footway has been provided in accordance with the approved scheme and any statutory undertaker's equipment or street furniture located in the position of the footway/cycleway has been 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).

**Set back of gates (YHA14)**

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).

**Surfacing of access (YHA15)**

No development shall take place until details of the surfacing arrangements for the vehicular access(es) to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access(es) for a distance of 15.0 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.

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).

**Visibility splays before occupation (YHA20)**

The use shall not commence until the visibility splays at the access have been 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).

**Vehicle parking provided to standards (YHA23)**

No development shall take place until details of the vehicle parking and turning space/areas have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the vehicle parking and turning spaces/areas have been 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).

**Access construction before development (details required)**

No development shall take place until details of the proposed access into the site have been submitted to and approved in writing by the Local Planning Authority. As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawing(s).

Reason: To ensure that the access(es) into the site are constructed before the approved buildings in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

**Cycle storage (YHA41)**

No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. 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).

**SuDS**

Within three months of the date of this decision a scheme of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate sustainable drainage principles to deal with surface water run-off within the application site. Within six months of the date of this decision the approved surface water drainage scheme shall be implemented in accordance with the approved details or the approved use of the site shall cease. The approved method of surface water drainage shall be retained thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policy CS16 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design – Part 4 Sustainable Design Techniques (June 2006).

## **Informative notes for the appellant**

It is appreciated that, the Planning Inspectorate will not include informative notes within decision letters. As such, the Council takes this opportunity to bring the following matters to the appellants attention in the event that the appeal is allowed.

### **Access construction – for the works to the accesses**

The Highways Manager, West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

### **Damage to footways, cycleways and verges**

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

### **Damage to the carriageway**

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

### **Incidental works affecting the highway**

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 503233, before any development is commenced.

### **Official Postal Address**

Please complete and online street naming and numbering application form at <https://www.westberks.gov.uk/snn> to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.

### **Compliance with approved drawings**

Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development particularly if these arise as a result of changes to meet Building Regulations. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.

### **Building Regulations**

Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: [building.control@wokingham.gov.uk](mailto:building.control@wokingham.gov.uk), or visit: [www.wokingham.gov.uk/building-control](http://www.wokingham.gov.uk/building-control)

### **CIL Liability**

The development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and thus a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable, if applicable, will be sent out separately from this Decision Notice. It is your responsibility to contact the CIL Team as soon as possible to confirm whether the development is CIL liable. If subsequently confirmed as CIL liable, you are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit a Commencement Notice will affect any exemptions claimed, including the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

### **Party Wall Act**

You are reminded of your duties under the Party Wall Act 1996. You are legally required to tell your neighbour if you want to: (1) build on or at the boundary of your two properties, (2) work on an existing party wall or party structure, or (3) dig below and near to the foundation level of their property. Your neighbours can't stop you from making changes to your property that are within the law, but they can affect how and when your works are carried out. Procedures under this Act are separate from the need for planning permission and for building regulations approval and you may feel it expedient to seek your own advice on this matter. Further guidance is available at: <https://www.gov.uk/party-walls-building-works/work-tell-your-neighbour-about>

### **Private Property Rights**

You should note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside of your control. If such works are required it will be necessary for you to obtain the landowners consent before such works commence. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.