

# Notice of Meeting



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## Western Area Planning Committee Wednesday 23 October 2024 at 6.30 pm in the Council Chamber, Council Offices, Market Street, Newbury

This meeting will be streamed live here: [Link to Western Area Planning Committee broadcasts](#)

You can view all streamed Council meetings here: [Link to West Berkshire Council - Public Meetings](#)

If members of the public wish to make representations to the Committee on any of the planning applications being considered at this meeting, they can do so either remotely or in person. Members of the public who wish to make representations must notify the Planning Team by no later than 4.00pm on 22 October 2024 by emailing [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk).

### Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday 15 October 2024

### Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148 or email [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk).

Further information, Planning Applications and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

Any queries relating to the Committee should be directed to the Democratic Services Team by emailing [executivecycle@westberks.gov.uk](mailto:executivecycle@westberks.gov.uk).



**Agenda - Western Area Planning Committee to be held on Wednesday 23 October 2024**  
(continued)

**To:** Councillors Phil Barnett (Chairman), Clive Hooker (Vice-Chairman), Adrian Abbs, Antony Amirtharaj, Paul Dick, Nigel Foot, Denise Gaines, Tony Vickers and Howard Woollaston

**Substitutes:** Councillors Dennis Benneyworth, Martin Colston, Carlyne Culver, Billy Drummond and Stuart Gourley

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# Agenda

## Part I

Page No.

1. **Apologies for absence**  
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 5 - 10  
To approve as a correct record the Minutes of the meeting of this Committee held on 24 July 2024.
3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**  
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).
  - (1) **1. 23-00815-FUL land South of Sandhill, Hermitage** 11 - 36  
**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  
**Location:** Land south of Sandhill, Hampstead Norreys Road, Hermitage  
**Applicant:** Mr R Black  
**Recommendation:** Delegated to the Development Manager to GRANT planning permission subject to conditions.
  - (2) **2. 24-00582-FUL The White Hart inn, Hampstead Marshall** 37 - 62  
**Proposal:** Change of use of the Public House to residential use, together with external alterations, landscaping, car parking and any other associated works and



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(continued)

- infrastructure.
- Location:** White Hart Inn, Hamstead Marshall, Newbury, RG20  
0HW
- Applicant:** The White Hart Inn (Hamstead Marshall) Ltd
- Recommendation:** To delegate to the Development Manager to  
GRANT PLANNING PERMISSION subject to the  
conditions listed below.

### Part II

#### 5. Exclusion of Press and Public

RECOMMENDATION: That members of the press and public be excluded from the meeting during consideration of the following items as it is likely that there would be disclosure of exempt information of the description contained in the paragraphs of Schedule 12A of the Local Government Act 1972 specified in brackets in the heading of each item. Rule 8.10.4 of the [Constitution](#) also refers.

#### 6. Supplemental Report for agenda item 4(1) 23-00815-FUL land South of Sandhill, Hermitage 63 - 66

### Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

*Sarah Clarke.*

Sarah Clarke  
Service Director – Strategy & Governance  
West Berkshire District Council

If you require this information in a different format or translation, please contact Stephen Chard on (01635) 519462.



West Berkshire  
C O U N C I L

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## DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

### WESTERN AREA PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON WEDNESDAY, 24 JULY 2024

**Councillors Present:** Phil Barnett (Chairman), Antony Amirtharaj, Paul Dick, Denise Gaines, Nigel Foot, Tony Vickers, Howard Woollaston and Dennis Benneyworth (Substitute) (In place of Clive Hooker)

**Also Present:**

**Apologies for inability to attend the meeting:** Councillor Clive Hooker and Councillor Adrian Abbs

**Councillor(s) Absent:**

#### PART I

#### 1. Apologies

The Minutes of the meetings held on 22 May 2024 and 19 June 2024 were approved as a true and correct record and signed by the Chairman.

#### 2. Minutes

*Councillors Tony Vickers, Nigel Foot and Phil Barnett declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were members of Newbury Town Council. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.*

*Councillor Paul Dick declared that he had been lobbied on Agenda Item 4(2)*

#### 3. Declarations of Interest

*Councillors Tony Vickers, Nigel Foot and Phil Barnett declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were members of Newbury Town Council. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.*

*Councillor Paul Dick declared that he had been lobbied on Agenda Item 4(2)*

#### 4. Schedule of Planning Applications

##### (1) **23/01037/FUL - Newbury Gardens Day Nursery, Greenham House, Greenham Road, Newbury**

1. The Committee considered a report (Agenda Item 4(1)) concerning the erection of a new building containing 5 two bedroom flats with associated infrastructure and landscaping on land adjacent to Greenham House, Greenham Road, Newbury.
2. Cheyanne Kirby introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Manager be authorised to grant planning permission subject to the conditions outlined in the main and update

## **WESTERN AREA PLANNING COMMITTEE - 24 JULY 2024 - MINUTES**

reports, and the completion of a Section 106 legal agreement or Unilateral Undertaking as outlined in the heads of terms.

3. Or, if the Section 106 legal agreement or Unilateral Undertaking is not completed, to delegate to the Development Manager to refuse planning permission.
4. In accordance with the Council's Constitution, James and Kay Lipscombe, objectors, addressed the Committee on this application.

### **Objector Representation**

5. Mr and Mrs Lipscombe addressed the Committee. This representation can be viewed on the recording:

[Western Area Planning Committee - Wednesday 24th July 2024](#) (18:40)

### **Member Questions to the Objector**

6. Members asked a question of clarification and received the following response:
  - The exit leading onto the A339 was very dangerous. There was no pedestrian access on to Station Road so all pedestrians were to be directed through the same route as the vehicles.

### **Member Questions to Officers**

7. Members asked questions of clarification and received the following responses.
  - Paul Goddard advised that whilst an access onto Station Road would have been ideal, he considered that the entrance onto the A339 was wide enough to accommodate both pedestrians and traffic due to the limited vehicle numbers expected.
  - Cheyanne Kirby advised that there had been in depth conversations with the drainage team over this application. They had highlighted their feeling that the scheme was not good enough, however the approved scheme on the previous application was the same as the one included on this proposal.
  - Debra Inston advised a condition could be added which required sustainable drainage measures be applied.
  - Cheyanne Kirby believed that the main concern of the drainage team was that there was not enough surface drainage. She noted that she was unsure why SuDS had refused this scheme given that an identical scheme had previously been approved. She highlighted that she could not provide more clarity as she was not a drainage engineer.
  - Paul Goddard advised that the Station Road access was removed by the applicant.
  - Debra Inston noted that this was the first time that she had been made aware of the presence of Japanese Knotweed and suggested that the public protection team would know if it was present on the property. She advised that a condition could be placed on the application stipulating that, if Japanese Knotweed was found, a management plan for its removal would be implemented.

### **Debate**

8. Councillor Paul Dick opened the debate by advising that his concerns, which related to the drainage of the site and the presence of the Japanese Knotweed, had been addressed. He also noted that he had concerns that the development would impact the light and the view of the house next door however, these were alleviated at the site visit.
9. Councillor Nigel Foot noted that Members essentially had before them an approved application which had been modified which meant that it was strange that the issues of the drainage had materialised. He advised that he was minded to approve this application but did find the egress of vehicles on to the A339 to be a concern.

## WESTERN AREA PLANNING COMMITTEE - 24 JULY 2024 - MINUTES

10. Councillor Denise Gaines highlighted that the building was in a sustainable location but was disappointed that the access via Station Road had not been removed. She noted that she was happy with the additional conditions proposed in the debate and was pleased with the contribution to affordable homes.
11. Cheyanne Kirby noted that the applicant had suggested an alternative access was due to be brought through the entrance at the other end of the site. It was advised that this was to be done in accordance with the existing Construction Management Plan.
12. Councillor Anthony Amirtharaj advised that Members were looking at a fresh application with several issues and a Construction Management Plan which was missing. He had serious concerns about approving this application with so many open-ended questions. He wanted assurance no works would commence without the approval of a Construction Management Plan and resolution of the SuDS issue.
13. Debra Inston advised that the applicant had submitted an approved Construction Management Plan, but it was not unusual for a condition be added which required the submission of a new Plan if changes were to be made.
14. Councillor Dennis Benneyworth noted the extant permission made this application difficult to go against and hoped that the affordable housing contribution was suitable.
15. Councillor Gaines proposed to accept the Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report with additional conditions requiring SuDS details be submitted with the application, a Japanese Knotweed management plan be submitted and a Construction Management Plan be submitted. This was seconded by Councillor Woollaston.
16. The Chairman invited Members of the Committee to vote on the proposal by Councillor Gaines, seconded by Councillor Woollaston, to grant planning permission. At the vote the motion was carried.
17. **RESOLVED that** the Development Manager be authorised to grant planning permission subject to the conditions listed in the main report and update report, with additional conditions requiring SuDS details be submitted with the application, a Japanese Knotweed management plan be submitted and a Construction Management Plan be submitted. The granting of planning permission was also subject to the completion of a Section 106 legal agreement or Unilateral Undertaking as outlined in the heads of terms.
18. Or, if the Section 106 legal agreement or Unilateral Undertaking is not completed, to delegate to the Development Manager to refuse planning permission.

### **(2) 23/02802/FUL - Priors Court Farm, Priors Court Road, Hermitage**

19. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application (2) 23/02802/FUL in respect of the change of use of land to provide up to 84 storage containers for self-storage use (B8) and erection of boundary fence (part retrospective) at Priors Court Farm, Priors Court Road, Hermitage.
20. Debra Inston introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that Development Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports.

## **WESTERN AREA PLANNING COMMITTEE - 24 JULY 2024 - MINUTES**

21. The Chairman asked Paul Goddard if he had any observations relating to the application. He noted the following:

- The existing access was suitable for the size of vehicle that had been on the site before and was expected with this proposal.
- The sight line was compliant with standards.
- There were six Vehicles in and six Vehicles out expected per day.

22. In accordance with the Council's Constitution, Howard Williamson, objector, and Kerry Pflieger, agent, addressed the Committee on this application.

### **Objector Representation**

23. Mr Williamson addressed the Committee. This representation can be viewed on the recording:

[Western Area Planning Committee - Wednesday 24th July 2024](#)

### **Member Questions to the Objector**

24. Members asked questions of clarification and received the following responses:

- Mr Williamson's clients were residents who lived locally to the area.
- The site had been operational for some time so the lack of data relating to the site was confusing. He highlighted the lack of accurate traffic count records.
- There were several similar facilities in the area, with limited take up. He questioned whether this site was sustainable for this type of business.
- The fence along Old Street was subject to a separate application. Highways England had submitted a statement which indicated that there was no consent for closed board fencing which was being used to comply with AONB regulations.
- The Planning Officer had received photo evidence of large HGVs which had entered the site and parked on the blind corner. He informed Members that the site was proposed for commercial use but there was an incident on a Sunday morning of a commercial vehicle attending the site when it should have been closed.

### **Agent Representation**

25. Ms Pflieger addressed the Committee. This representation can be viewed on the recording:

[Western Area Planning Committee - Wednesday 24th July 2024](#)

### **Member Questions to the Applicant/Agent**

26. Members asked questions of clarification and received the following responses:

- The dark green colouring of the containers was conditioned in the update report.
- Highways England had stated they had no objection to the fence being constructed.

### **Ward Member Representation**

27. Councillor Dick addressed the Committee. This representation can be viewed on the recording.

[Western Area Planning Committee - Wednesday 24th July 2024](#)

### **Member Questions to the Ward Member**

28. Members did not have any questions of clarification.

### **Member Questions to Officers**

29. Members asked questions of clarification and received the following responses:

- Paul Goddard advised that National Highways owned a lot of the land around the area and had done since they purchased it to construct the M4. They had no objection to the fence being constructed.



**WESTERN AREA PLANNING COMMITTEE - 24 JULY 2024 - MINUTES**

- Debra Inston advised that this application was submitted following a visit from the enforcement team who felt that an application to regularise the site was welcome given the nature of its usage.
- Debra Inston advised that Priors Court School had not raised any issue of noise.

**Debate**

30. Councillor Denise Gaines opened the debate by stating the economic viability of the site was not a material planning consideration. She advised she could not see a problem with the site and felt as though the location adjacent to the M4 meant that noise would not be a problem. She highlighted that the proposed usage was better than the approved usage.
31. Councillor Anthony Amirtharaj suggested that the proposed usage was safer than the approved usage due to the flammable nature of the pallets.
32. Councillor Phil Barnett noted he was very impressed with the site when visiting.
33. Councillor Vickers highlighted that the AONB was not a no development zone, particularly this section of it which had the M4 going through it. He felt that this was an ideal location for a site like this as it was extremely accessible. He agreed with Councillor Gaines that the economic viability of the site was not a planning matter but felt that the site was more viable than previously approved sites with a similar purpose.
34. Councillor Benneyworth supported the application noting there would be a benefit in regularizing traffic movements.
35. Councillor Gaines proposed to accept the Officer’s recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Amirtharaj.
36. The Chairman invited Members of the Committee to vote on the proposal by Councillor Gaines, seconded by Councillor Amirtharaj, to grant planning permission. At the vote the motion was carried.

**RESOLVED that** the Development Manager be authorised to grant planning permission subject to the conditions listed in the main report and update report.

*(The meeting commenced at 18:30 and closed at 20:15)*

**CHAIRMAN** .....

**Date of Signature** .....

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# Agenda Item 4.(1)

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

**Name:** Michael Butler  
**Job Title:** Principal Planning Officer  
**Tel No:** 01635 519111  
**Email:** [Michael.Butler@westberks.gov.uk](mailto:Michael.Butler@westberks.gov.uk)

## **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</b></p>	<p>Object to the application on similar grounds to the above.</p>

<b>Council (adjacent):</b>	
<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.

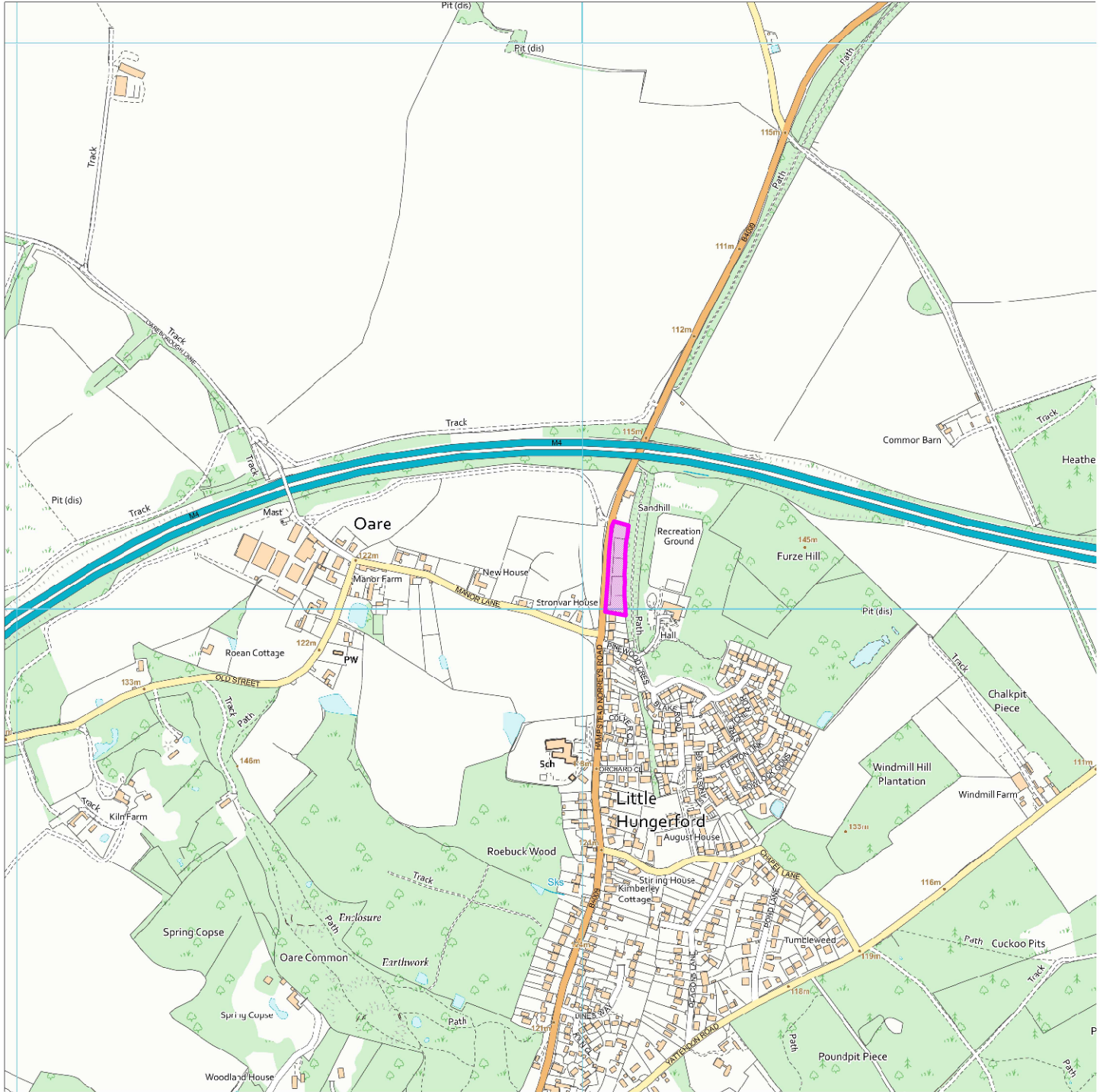
Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

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).

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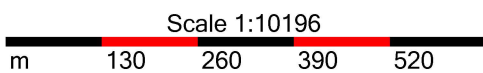
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	10 October 2024
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(2)

4Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	24/00582/FUL Hamstead Marshall	30 <sup>th</sup> May 2024 <sup>1</sup>	Change of use of the Public House to residential use, together with external alterations, landscaping, car parking and any other associated works and infrastructure.  White Hart Inn  Hamstead Marshall  Newbury  RG20 0HW  The White Hart Inn (Hamstead Marshall) Ltd
<sup>1</sup> Extension of time agreed with applicant until 29 <sup>th</sup> October 2024			

The application can be viewed on the Council's website at the following link:  
[24/00582/FUL | Change of use of the Public House to residential use, together with external alterations, landscaping, car parking and any other associated works and infrastructure. | White Hart Inn Hamstead Marshall Newbury RG20 0HW \(westberks.gov.uk\)](https://www.westberks.gov.uk/24/00582/FUL)

**Recommendation Summary:** To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

**Ward Members:** Councillor Denise Gaines  
Councillor Tony Vickers  
Councillor Dennis Benneyworth

**Reason for Committee Determination:** More than 10 objections received.

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

## Contact Officer Details

**Name:** Sian Cutts  
**Job Title:** Senior Planning Officer  
**Tel No:** 01635 519111  
**Email:** Sian.cutts@westberks.gov.uk

## 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 change of use of the White Hart Inn, which is a public house, to residential use to create four dwellings together with external alterations, landscaping, car parking and associated works and infrastructure.
- 1.3 The application site is situated within Hamstead Marshall, and consists of the public house, beer garden, manager's flat, nine bedroom spaces for overnight accommodation in two outbuildings, a third outbuilding used as a store, a beer garden and two parking areas. Within the application site there is a Tree Preservation Order 201/21/0946-T1-HAZ.
- 1.4 Hamstead Marshall is a rural village which does not have a settlement boundary and is situated within the North Wessex Down National Landscape (formerly Area of Outstanding Natural Beauty). The application site has residential properties along the north-east and north-west boundaries. To the south-east of the site is Elm Farm which is now in residential use, and the site is to the north of the access to the Dogs Trust Rehoming Centre
- 1.5 The application is proposing the conversion of the public house into two units, and outbuildings into four units as follows.
- Plot 1 – a two bedroom house
  - Plot 2 – a three bedroom house
  - Plot 3 – a two bedroom bungalow
  - Plot 4- a two bedroom house
- 1.6 Each dwelling will have its own garden area, and the storage outbuilding will be retained as a store to serve plot 4. There are nine parking spaces proposed to serve the development. The parking area along the road frontage will be incorporated into garden area, with a new parking area created adjacent to the existing access to the car park.

## 2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
84/21739/ADD	Refurbishment of existing barn change of use to provide 6 units of overnight accommodation in association with public house	Approved 27/06/1984
87/28632/ADD	Extension to existing restaurant	Approved 17/04/1987

88/33667/ADD	Refurbishment and extension to outbuilding to form accommodation wing	Approved 08/02/1989
95/46126/FUL	Field shelter/hay store.	Approved 22/03/1995
94/44600/FUL	Refurbishment & extension to outbuilding to form accommodation wing.	Approved 06/06/1994
00/00261/RELAX	Removal of condition on bungalow restricting occupancy to manager	Approved 04/12/2000
01/02432/HOUSE	Provision of alternative vehicular access	Approved 09/01/2002
11/01188/FUL	Proposed conversion of existing outbuilding to bed and breakfast accommodation	Approved 17/10/2011
11/01207/FUL	Proposed conversion and extension of existing garage to provide disabled accommodation	Approved 17/10/2011
12/03021/FUL	Extension and change of use of outbuildings to create an additional 4 bed and breakfast rooms. Extensions and link to 'infill' area between existing garage and existing outbuildings to the North boundary of the site	Approved 05/06/2013
14/00490/FUL	Section 73A - Removal of Condition 2 - Materials of approved application 12/03021/FUL- Extension and change of use of outbuildings to create an additional 4 bed and breakfast rooms. Extensions and link to 'infill' area between existing garage and existing outbuildings to the North boundary of the site.	Approved 07/05/2014
15/02727/FULD	Change of Use from public house (Class A4) to four dwellinghouses (Class C3) and associated external alterations, landscaping and car parking.	Refused 22/04/2016
17/00103/FULD	Change of use from public house (Class A4) to four dwelling houses (Class C3) and associated external alterations, landscaping and car parking (following refusal of 15/02727/FULD).	Refused 30/03/2017 Appeal dismissed 29/05/2018

### 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) of Schedule 2, and given the site's 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. A Site notice was displayed on 19<sup>th</sup> April 2024 on a window of the public house building, with a deadline for representations of 11<sup>th</sup> May 2024.
- 3.3 Following the receipt of amended plans, a further site notice was posted in the same location on 25<sup>th</sup> July 2024, with a deadline of representations of 15<sup>th</sup> August 2024.
- 3.4 **Neighbour notification:** Two neighbouring properties were also informed on the application.
- 3.5 **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. The table below identified the relevant local financial considerations for this proposal

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	3.6
New Homes Bonus	Yes	No	3.9
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	No	No	

- 3.6 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).



- 3.7 Based on the CIL PAIR form, it appears that the CIL liability for this development will be in the region of £82,690 and an indexed link uplift will be added to that. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil).
- 3.8 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.
- 3.9 **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.
- 3.10 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.
- 3.11 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.
- 3.12 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.13 All new buildings within the development will be required to comply with Building Regulations which have their own criteria to apply for the design of buildings which also has due regard to the Act. CIL contributions are also taken towards healthcare and education & training facilities as part of the development.

- 3.14 **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.
- 3.15 It is acknowledged that there are certain properties where they may be some impact, due to additional windows proposed as part of the proposal this can be mitigated by conditions. However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme in terms of bringing a redundant building back into use.
- 3.16 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.17 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. The Old Post Office is a grade II listed building approximately 25 metres to the north-west of the site, and the Barn at Elm Farm is a grade II listed building approximately 45 metres to the southwest of the site.
- 3.18 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area

## 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.

<b>Hamstead Marshall Parish Council:</b>	No objection: On the basis that the White Hart Inn is no longer viable as a public house business.  Following receipt of amended plans, confirmed no objection to the amendments
<b>WBC Highways:</b>	Two additional parking spaces need to be provided, subject to the recommendation of approval subject to conditions.
<b>Local Lead Flood Authority:</b>	No objection subject to conditions

<b>WBC Trees:</b>	1 <sup>st</sup> response: Object –Loss of trees protected by TPO  2 <sup>nd</sup> Response: Removal of trees with minimal replacement, a substantial replanting scheme is required and tree protection measures.  3 <sup>rd</sup> Response: Recommend approval subject to conditions
<b>WBC Archaeology:</b>	A building recording at English Heritage Level 2 condition is required.
<b>WBC Ecology:</b>	No objection subject to conditions
<b>WBC Conservation</b>	No response received

### ***Public representations***

- 4.2 Representations have been received from 33 contributors, 5 of which support, and 28 of which object to the proposal.
- 4.3 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:

#### *Support*

- The previous landlady worked over 12 hour days to attempt to achieve financial viability.
- The White Hart Inn has been well run with a good food and drink offer
- Very few local people have supported the pub and due to location it is difficult to increase footfall
- We are in need of housing more than a pub
- There is competition form town centre restaurants and the White Hart faces huge competitions
- Nobody has made a sensible offer to purchase it as a community asset.
- Housing will be very beneficial to the community

#### *Objections*

- Skylight for property H4 overlooks my property and garden, window on east elevation overlooks
- Separate drainage is required
- Removal of trees, hedges and bushes , and land levelling will create privacy and instability issues
- Trees in adjacent gardens need protecting
- Request that the building recording is implemented
- The pub could become viable as a community pub as seen in other places, or run by another business/owners
- The asking sale price is too high, does not compare well to recent pub sales in the wider area, and the open market valuation, and poor state of repair of the building.
- The business model for the pub has not been working rather than it not being viable, poor food and drink offering

- RICS Red Book valuation should be provided
- Other comparable pubs in the rural area are viable as destination pubs, and thriving post Covid
- Will result in the loss of a focal point for community interaction
- Loss of employment opportunities
- This pub has the advantage of rooms which other pubs do not have.
- It is listed as an Asset of Community Value and the community should be given the opportunity to purchase it.
- Absence of evidence that it has been marketed at a reasonable price
- Change of use does not meet policy requirements or overcome the Inspector's reasons for dismissing the previous appeal.
- Pop up cafes and pub in the village hall have not been suitable alternatives to the pub.
- The pub is the only one in West Berkshire to close over winter
- The pub has been closed at times when it was advertised to be open

## 5. Planning Policy

5.1 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, CS1, CS5, CS10, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, C4, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS5, OVS6, of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Sustainable Drainage Systems SPD (2018)
- Public Houses SPG (2000)
- Hamstead Marshall Village Design Statement (2011)
- Cycle and Motorcycle Advice and Standards for New Development (2014)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of the development
- Character and appearance of the development
- Heritage
- Residential amenity
- Highway safety
- Trees
- Ecology

## ***Principle of development***

- 6.2 Policy CS10 of the Core strategy seeks to encourage the diversification of the rural economy and says that proposals which seek the loss of small or medium sized enterprises in the rural area will need to demonstrate that the loss of the site will not negatively impact the local economy and the vitality and viability of the surrounding rural area. Policy C1 of the Housing Site Allocations DPD states that there will be a presumption against new residential development in the countryside other than for limited exceptions which includes the conversion of redundant buildings. Policy C4 requires that the application can demonstrate that the building is genuinely redundant. The supporting text to that policy says that for a building to be considered to be redundant it is important that the original use of the building for that purpose no longer exists. Paragraph 97 of the NPPF says that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. The Public Houses SPG sets out guidance to be used in assessing applications which will result in the loss of a public house which are
- i. Whether it would have an adverse effect on the local character, diversity and amenity of the area*
  - ii. Demonstrating that alternative acceptable public house provision exists,*
  - iii. Evidence that that the loss of the public house would comprise an unacceptable decline in the standard of community services for visitors.*
  - iv. Whether it can be demonstrated that the public house is no longer economically viable and that all reasonable attempts have been made to sell or let the building as a public house at a realistic price for no less than six months.*
- 6.3 In considering the alternative public house provision, there are five other pubs within a 2 mile radius of the application site. These are The Craven Arms Enborne, The Furze Bush Ball Hill, The Red House Marsh Benham, The Halfway House Bath Road, and Dundas Arms Kintbury. Given the location of the White Hart Inn within Hamstead Marshall, which is realistically only accessible by car, even to many residents within the village, and these alternative sites are also dependent upon car borne journeys, this two mile radius is a reasonable consideration for alternative provision of a public house.
- 6.4 The application has been submitted with a Community Resource Analysis Report which sets out the alternative community uses in the area, the suitability of the building for ongoing community or commercial use, past trading information, and marketing of the White Hart Inn. There are alternative community facilities within the village hall and there is also a Parish Church. Whilst some of the objectors have referred to the lack of community meeting place with the closure of the pub, given the size of the community, there are also other facilities for social interaction within the community, albeit without the full range of interactions available within a public house. In addition, there are the other public houses within a 2 mile radius as referred to above. Hamstead Marshall is not a large enough community to support a public house, without bringing most of its trade from outside the village. The site was previously listed as an Asset of Community Value, and this was in place when the previous appeal was dismissed. However, a further application to renew this listing was refused in 2021 because the application did not sufficiently demonstrate that the local community benefited from the use of the site to a significant extent.
- 6.5 The SPG requires that the loss of a public house will not comprise an unacceptable decline in the standard of community services for visitors. Whilst tourism is encouraged throughout West Berkshire, within Hamstead Marshall and the immediate area there are

not particular tourist attractions, and so the loss of the public house will not result in an unacceptable decline in the standard of community facilities for visitors.

- 6.6 The Community Resource Analysis Report sets out the record of trading performance since closure in 2010, this has been independently reviewed and concluded that whilst no financial information has been included within the Analysis Report to demonstrate unviability, undertaking a review it was concluded that the White Hart Inn cannot be reopened as a viable public house, this is because of the isolated location of the site, relying on business as a destination site, with limited numbers of visitors likely to use the overnight accommodation, and considering the costs of running it a public house, and the potential income which could be generated.
- 6.7 The applicant's Report has also set out the marketing strategy, which has also been reviewed and that there had been a suitable and competent marketing campaign of more than 12 months. The marketing review has been assessed, and when the previous application on the site to convert to residential use was dismissed on appeal, the inspector concluded that insufficient marketing has taken place because it had only been offered for sale on a leasehold basis. The current marketing of the property has included advertising on a leasehold or freehold basis. It has been for sale for more than 12 months, and it considered that there has been a full and competent exposure to the market.
- 6.8 Policy C4 requires demonstration that the building is genuinely redundant, and this is considered as to whether the original purpose of the building exists. The previous application to change the use of the public house to residential use was refused and dismissed on appeal in 2018. In dismissing that appeal the Inspector considered that the evidence submitted at that time was not sufficient to demonstrate that it was genuinely redundant as a public house, and that it was an important community facility. Since that time the Covid pandemic has occurred, and this combined with the cost of living crisis, has changed the economic climate since the previous application was considered at appeal. Furthermore, it is acknowledged that the site is no longer an Asset of Community Value. It is considered that in the light of the updated information that it has been demonstrated the White Hart Inn is unviable and so it can be considered to be redundant for its original purpose in accordance with policy C4.
- 6.9 Policy C4 also requires that the proposal involves a building which is structurally sound and capable of conversion without substantial rebuilding, extension or alteration. The buildings are in a condition where it is not considered reasonable to require a structural survey to demonstrate that they are sound. The application is proposing internal alterations to the building, with the limited external alterations proposed such as doorways and windows, and the infilling of the current walkway though one of the buildings, and no physical extensions to the buildings are proposed.

### ***Character and appearance***

- 6.10 Policy CS14 requires that new development is of high quality and sustainable design, which respects and enhances the character and appearance of the area, and that good design relates not only to the appearance of the development but also to the way it functions. Policy CS19 says that particular regard will be given to the sensitivity of the area to change and ensuring that development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. Policies C3 and C4 require the conversion to not have an adverse impact on the rural character, and that the creation of the residential curtilage would not be visually intrusive or have a harmful impact on the character of the site or its setting within the wider landscape.
- 6.11 The application is proposing the subdivision of the main public house building into two dwellings, and the conversion of the two outbuildings into dwellings. The main alteration

to the external appearance of these buildings are the insertion of doors, and repositioning of some windows, and the insertion of some new windows. A fire escape on the north elevation is proposed to be removed. It is proposed to infill the walkway between the car park and the beer garden as part of the living accommodation. Overall, these alterations will have a minimal impact on the appearance of the site within the rural location. The more significant visual alteration is the repositioning of the parking spaces along the road frontage, and using that area as garden space for H1, with parking spaces being provided adjacent to the existing driveway. With suitable boundary treatment and a scheme of landscaping, this may be an improvement in the street scene, through removing the parking area. The garden areas for plots H3 and H4 will be created from the existing hard surfaced parking area.

- 6.12 It is considered that the proposal will assimilate with the existing pattern of development and will not result in a visual incursion into the surrounding countryside, as all development is contained within the existing site. However, conditions will be required with regards to boundary treatment, and external lighting, given the location within the North Wessex Downs National Landscape.

### ***Heritage***

- 6.13 Policy CS19 says that particular regard will be given to the conservation and where appropriate enhancement of heritage assets and their settings. Policy C4 requires that the conversion retains the character, fabric and historic interest of the building. The site is not listed building; however, it is included in the Historic Environment Record as a locally listed building. A Heritage Statement has been submitted with the application.
- 6.14 The proposals to change the internal arrangements of the buildings are the same as those that were considered in the previous application which was dismissed at appeal. At that time there were no objections from the Conservation Officer, as amendments had been made to the proposal to ensure that the historic fabric of the building would be retained, and so conserve the historic importance of this non-designated heritage asset. Conditions requiring details of the material to be used in the conversion works can ensure that the details are appropriate to ensure the appearance of the building is retained.
- 6.15 The archaeologist has reviewed the proposals as requested that building recording is carried out before the development commences. This can be secured through conditions.

### ***Residential Amenity***

- 6.16 Policy CS14 requires that new development make a positive contribution to the quality of life in West Berkshire. Policy C4 requires that the environment is suitable for residential use and gives a satisfactory level of amenity for occupants. The Quality Design SPD also sets out guidance for assessing the impact of residential development on adjoining occupiers, as well as setting out guidance on such matters as the amount of amenity space to serve new development.
- 6.17 The proposed site layout plan indicates a private garden area to serve each dwelling. This area exceeds the minimum required space for the size of dwellings. There are ground floor windows serving proposed dwelling H3 which faces towards the garden of dwelling H2, however with suitable boundary treatment there can be sufficient screening to prevent overlooking.
- 6.18 The proposed plans also include the insertion of a roof light on the north elevation on plot H4. The building is situated on the boundary with the adjacent house known as Mansard House. Amended plans were submitted to show the positioning of the window so that the opening parts would be 1.7 metres above the internal ground floor level. This

accords with the permitted development tolerance for the insertion of windows on roof slopes on side elevations. This will prevent overlooking from the proposed bedroom into the adjacent garden area, and windows at the rear of Mansard House, and would be in accordance with the SPD guidance on habitable windows at right angles. To ensure that levels of privacy within the garden are maintained, a condition removing the permitted development rights on additional windows on this roof slope can be imposed.

- 6.19 There has also been an objection raised about the retention of the window on the east elevation, which also faces towards a residential garden which serves White Hart Cottage. However, this window already serves as a guest bedroom, and so it would not be reasonable to restrict the glazing of this window, as there is already a degree of overlooking from a bedroom, and the proposal would also result in overlooking from a bedroom.
- 6.20 It is considered that the proposal will result in sufficient levels of amenity to serve the needs of the future residents, and with conditions the proposal will not result in an unacceptable degree of looking to the neighbouring properties.

### ***Highway Safety***

- 6.21 Policy CS13 refers to the impact that new development may have on the highway network. Policy P1 sets out the parking requirements for new residential development.
- 6.22 The Highways Officer has assessed the proposals and has raised no objections with regards to visibility splays as the access to the site is utilising the existing access, this is on the proviso that the visibility splays are not worsened as a result of the development by the boundary treatment for plot H1. This can be secured through conditions.
- 6.23 The site layout plans indicate the provision of 9 car parking spaces, this accords strictly with the requirements set out in Policy P1, as plots H1, H2, & H3 are two bedrooms, requiring 2 spaces each (6 in total), and H4 is proposed to have three bedrooms so requiring 2.5 spaces, and so with rounding up this is 9 spaces as proposed in the layout.
- 6.24 The Highways Officer has also requested conditions requiring a Construction Method Statement, the provision of electric vehicle charging points and cycle storage, surfacing of the access, and the provision of the proposed parking spaces. With the imposition of these conditions the proposal will provide sufficient parking and will not be harmful to highway safety.

### ***Trees***

- 6.25 Policy CS18 ensures that the District's green infrastructure will be protected and enhanced. Within the site there is a hazel tree which is proposed to be removed due to its poor condition. The application also proposes the removal of a section of hedgerow along the access to the car park at the north of the site., to provide parking spaces. This is compensated through additional planting, and the site remains well screened from the surrounding countryside It is also proposed to retain the landscaping along the north-east boundary of the site. The Tree Officer has confirmed that following the submission of amended plans that he is satisfied with the details provided subject to the submission of a landscaping scheme and a tree protection scheme, and these can be secured through conditions.

### ***Ecology***

- 6.26 Policy CS17 says that biodiversity assets across West Berkshire will be conserved and enhanced and goes on to say that adequate mitigation measures must be provided where damage to biodiversity interests is unavoidable. The application has been submitted with an ecology survey which indicates the presence of bats within the



application site buildings. The report sets out mitigation measures to be used during the construction works, and the lighting and the timing of development works. The Council's ecologist is satisfied with the mitigation measures proposed within the report and recommends conditions to ensure that the recommendations of the report are implemented. A condition is also required to approve details of any external lighting to avoid disturbance to the bats. With conditions in place the proposal is considered to accord with Policy CS17.

### ***Other matters***

- 6.27 An objection was also raised about additional pressure that there would be on the shared drain which crosses the application site before it reaches the main sewer. As this is a private drain, this is a civil matter between the parties who manage the drain.

### ***Parish Council representations***

- 6.28 Hamstead Marshall Parish Council has said that they are of the view based on the evidence within the application that the White Hart Inn is no longer viable as a public house business and so raises no objection to the application. They confirmed this view following the consultation on the amendments to the application. This view supports the viability evidence provided by the applicant, which was reviewed independently and confirmed the same conclusion.

## **7. Planning Balance and Conclusion**

- 7.1 Policy C1 and C4 support the conversion of redundant buildings in the countryside to residential use, and the Public Houses SPD also sets out guidance on assessing whether a public house is viable. In dismissing the previous appeal in 2018 for a very similar development, the Inspector considered that there was insufficient evidence to demonstrate that the public house was no longer viable. There has been a material change in circumstances since that appeal decision with the Covid pandemic and subsequent cost of living crisis changing the economic outlook for many hospitality businesses. The updated viability and marketing information has been assessed and it has been concluded that the building is no longer viable as a public house. Whilst there is potential loss to the rural economy through the loss of the site, given that it has been proven to be unviable then this loss is considered to be minimal. The principle of the change of use to residential use has been accepted.
- 7.2 The proposed alterations to the building and the site layout are considered to be acceptable and will not be harmful to the character and appearance of the rural area, or protected species within the application site. With conditions the potential loss of privacy to adjoining properties can be overcome.
- 7.3 It is considered that the proposal accords with the relevant development plan policies and national planning policy guidance.

## **8. Full Recommendation**

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

## Conditions

1.	<p><b>Commencement of development</b></p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Location Plan Drawing No 51429-XX-P1-01 v4 received 4<sup>th</sup> April 2024;  Proposed Site Plan Drawing No 51429-XX-P1-02 v9 received 18<sup>th</sup> July 2024;  Proposed Building Section AA Drawing No 51429-B2-P4-01 v4 received 18<sup>th</sup> July 2024;  Proposed Elevations Drawing No 51429-B2-P3-01 v4 received 18<sup>th</sup> July 2024;  Proposed Elevations Drawing No 51429-B2-P2-01 v4 received 18<sup>th</sup> July 2024;  Proposed Elevations Drawing No 51429-B1-P3-01 v3 received 22<sup>nd</sup> March 2024;  Proposed Elevations Drawing No 51429-B3-P3-01 v1 received 22<sup>nd</sup> March 2024;  Proposed Floor Plans Drawing No 51429-B1-P1-01 v4 received 22<sup>nd</sup> March 2024;  Proposed Floor Plans Drawing No 51429-B3-P2-01 v1 received 22<sup>nd</sup> March 2024;  Proposed Roof Plan Drawing No 51429-B1-P2-02 v3 received 22<sup>nd</sup> March 2024;  Proposed Site Section Drawing No 51429-XX-P5-01 v1 received 22<sup>nd</sup> March 2024;</p> <p>Arboricultural Impact Assessment prepared by SJ Stephen Associates dated December 2023 received 22<sup>nd</sup> March 2024;  Bat Surveys prepared by All Ecology dated December 2023 received 22<sup>nd</sup> March 2024;  Heritage Statement prepared by Sarum Heritage and Planning dated September 2023 received 22<sup>nd</sup> March 2024;  Technical Note prepared by i-Transport LLP reference ITB19284-001a TN dated 1<sup>st</sup> March 2024 received 22<sup>nd</sup> March 2024;  Planning Statement prepared by Pro-Vision dated March 2024 received 22<sup>nd</sup> March 2024;</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>Materials</b></p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).</p>
4.	<p><b>Electric vehicle charging points (prior approval)</b></p> <p>No dwelling shall be first occupied until an electric vehicle charging point has been provided for that dwelling] in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging points shall be maintained and kept available and operational for electric vehicles at all times.</p>

	<p>Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.</p>
5.	<p><b>Construction method statement</b></p> <p>No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:</p> <ul style="list-style-type: none"> <li>(a) A site set-up plan during the works;</li> <li>(b) Parking of vehicles of site operatives and visitors;</li> <li>(c) Loading and unloading of plant and materials;</li> <li>(d) Storage of plant and materials used in constructing the development;</li> <li>(e) Erection and maintenance of security hoarding;</li> <li>(f) Wheel washing facilities;</li> <li>(g) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;</li> <li>(h) A scheme for recycling/disposing of waste resulting from demolition and construction works;</li> <li>(i) Hours of construction and demolition work;</li> </ul> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre commencement condition is required because the CMS must be adhered to during all demolition and construction operations.</p>
6.	<p><b>Access closure with reinstatement</b></p> <p>The existing access to the parking area at the south of the site shall be stopped up and abandoned prior to the first occupation of the dwellings hereby permitted. The highway verge shall at the same time as the stopping-up and abandonment, be reinstated in accordance with the approved plans.</p> <p>Reason in the interest of road safety and highway maintenance. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026).</p>
7.	<p><b>Surfacing of access</b></p> <p>No development shall be first occupied until details of the surfacing arrangements for the vehicular access 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 carriageway for a distance of 3 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.</p> <p>Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026).</p>

8.	<p><b>Visibility splays before development</b></p> <p>No development shall take place until visibility splays of 2.4 metres by 43 metres have been provided at the access. The visibility splays shall thereafter be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.</p> <p>Reason: In the interest of road safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026).</p>
9.	<p><b>Cycle Parking provision</b></p> <p>No dwelling shall be first occupied until cycle storage facilities have been provided in accordance with the approved drawings. Thereafter the facilities shall be maintained and kept available for that purpose at all times.</p> <p>Reason: To ensure the adequate provision of cycle parking facilities. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).</p>
10.	<p><b>Sustainable Drainage Methods</b></p> <p>No development shall take place until details of the discharge of surface water has been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved scheme,</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>
11.	<p><b>Soft Landscaping Prior Approval</b></p> <p>No dwelling shall be first occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include</p> <ul style="list-style-type: none"> <li>a) detailed plans, planting and retention schedule, noting species, plant sizes and proposed numbers/densities, programme of works including management of the planting, and any other supporting information.</li> <li>b) All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following first occupation of any of the dwellings.</li> </ul> <p>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.</p> <p>Reason: Landscaping is an integral element of achieving high quality design, and the safeguard and enhance the character an amenity of the area to provide</p>

	ecological, environmental and biodiversity benefits and to enhance the setting of the site within the locality. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.
12.	<p><b>Tree protection scheme</b></p> <p>The development hereby approved shall be carried out in accordance with the submitted Arboricultural Impact Assessment, including the tree protection plan and arboricultural method statement. The protective fencing shall be erected prior to any development works taking place. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the National Planning Policy Framework, and Policies ADPP5, CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>
13.	<p><b>Written Scheme of Investigation</b></p> <p>No demolition and /or site works shall take place within the application area until the applicant has secured the implementation of a programme of building recording at Level 2 as specified by Historic England in Understanding Historic Buildings: A guide to good recording practice (2016). This programme of building recording shall also be in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.</p> <p>Reason: To ensure that an adequate record is made of this building of architectural, historical or archaeological interest. This condition is applied in accordance with the National Planning Policy Framework and Policy CS19 of the West Berkshire Core Strategy 2006-2026</p>
14.	<p><b>Compliance with existing detailed biodiversity method statements, strategies, plans and schemes</b></p> <p>All ecological measures and/or works shall be carried out in accordance with the details contained in 'Bat surveys' (December 2023, All Ecology) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.</p> <p>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.</p>
15.	<p><b>Submission of a copy of the EPS licence</b></p> <p>The following works 'Change of use of the Public House to residential use, together with external alterations, landscaping, car parking and any other associated works and infrastructure' shall not in any circumstances commence unless the Local Planning Authority has been provided with either:</p>

	<p>(a) A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or</p> <p>(b) A statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.</p> <p>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. This “strict protection” condition helps to ensure that a developer will apply for an EPS licence and, if they do not, can be prevented in advance from undertaking the activities that might jeopardize the protected species, before the species is harmed. The use of planning conditions for this purpose has been established through case law and is also recommended in government.</p>
16.	<p><b>Lighting design strategy for light sensitive biodiversity</b></p> <p>No external lighting shall be installed until a lighting design strategy has been submitted to and approved in writing by the local planning authority. The strategy shall:</p> <p>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</p> <p>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.</p> <p>All external lighting shall be installed on buildings or within the site except in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.</p> <p>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. The condition is also applied to conserve the dark skies of the North Wessex Downs National Landscape. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-2024 and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
17.	<p><b>Time limit on development before further surveys are required</b></p> <p>If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the planning permission, the approved ecological measures secured through Condition ‘<i>Compliance with existing detailed biodiversity method statements, strategies, plans and schemes</i>’ shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to (i) establish if there have been any changes in the presence and/or abundance of bats and (ii) identify any likely new ecological impacts that might arise from any changes.</p> <p>Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development Works will then</p>

	<p>be carried out in accordance with the proposed new approved ecological measures and timetable.</p> <p><b>IMPORTANT:</b> If any protected species are identified in the new surveys that were not previously known to be on site, and are likely to be harmed by the development, then a protected species licence might be required before works can commence. Advice should be sought from Natural England and/or a suitably qualified ecologist.</p> <p>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.</p>
18.	<p><b>Obscure glazing of windows</b></p> <p>The roof light window at first floor level in the north elevation of dwelling H4 shall be fitted with obscure glass and shall be non-opening except where it is more than 1.7 metres above the internal floor level . The obscure glazing shall be permanently retained in that condition thereafter.</p> <p>Reason: To prevent overlooking of adjacent properties/land, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).</p>
19.	<p><b>Permitted development restriction (windows/dormers)</b></p> <p>Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and/or C of that Order shall be constructed at ground or first floor level on the north elevation of the dwelling H4 hereby permitted, without planning permission being granted by the Local Planning Authority on an application made for that purpose.</p> <p>Reason: To prevent overlooking of adjacent properties/land, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).</p>
20.	<p><b>Boundary treatment</b></p> <p>No dwelling shall be occupied until details to include a plan, indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before the dwellings hereby permitted are occupied. The approved boundary treatments shall thereafter be retained.</p> <p>Reason: To ensure that the boundary treatment is appropriate to the rural character and appearance of the area, and to ensure that any boundary treatment does not affect highway safety. This condition is imposed in accordance with the National Planning Policy Framework Policies APDD5, CS13 CS14, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006)</p>

## Informatives

1.	<p><b>Proactive</b></p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2.	<p><b>CIL</b></p> <p>The development hereby approved results in 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 will be sent out separately from this Decision Notice. 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 the Commencement Notice will result in the loss of any exemptions claimed, and 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 <a href="http://www.westberks.gov.uk/cil">www.westberks.gov.uk/cil</a></p>
3.	<p><b>BNG -Not required (predates Mandatory BNG)</b></p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:</p> <ul style="list-style-type: none"><li>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and</li><li>(b) the planning authority has approved the plan.</li></ul> <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.</p> <p>Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.</p> <p><b>EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS</b></p> <p>The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.</p> <ul style="list-style-type: none"><li>1. The application for planning permission was made before 12 February 2024.</li><li>2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.</li><li>3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and</li></ul>



- (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
- (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

\* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

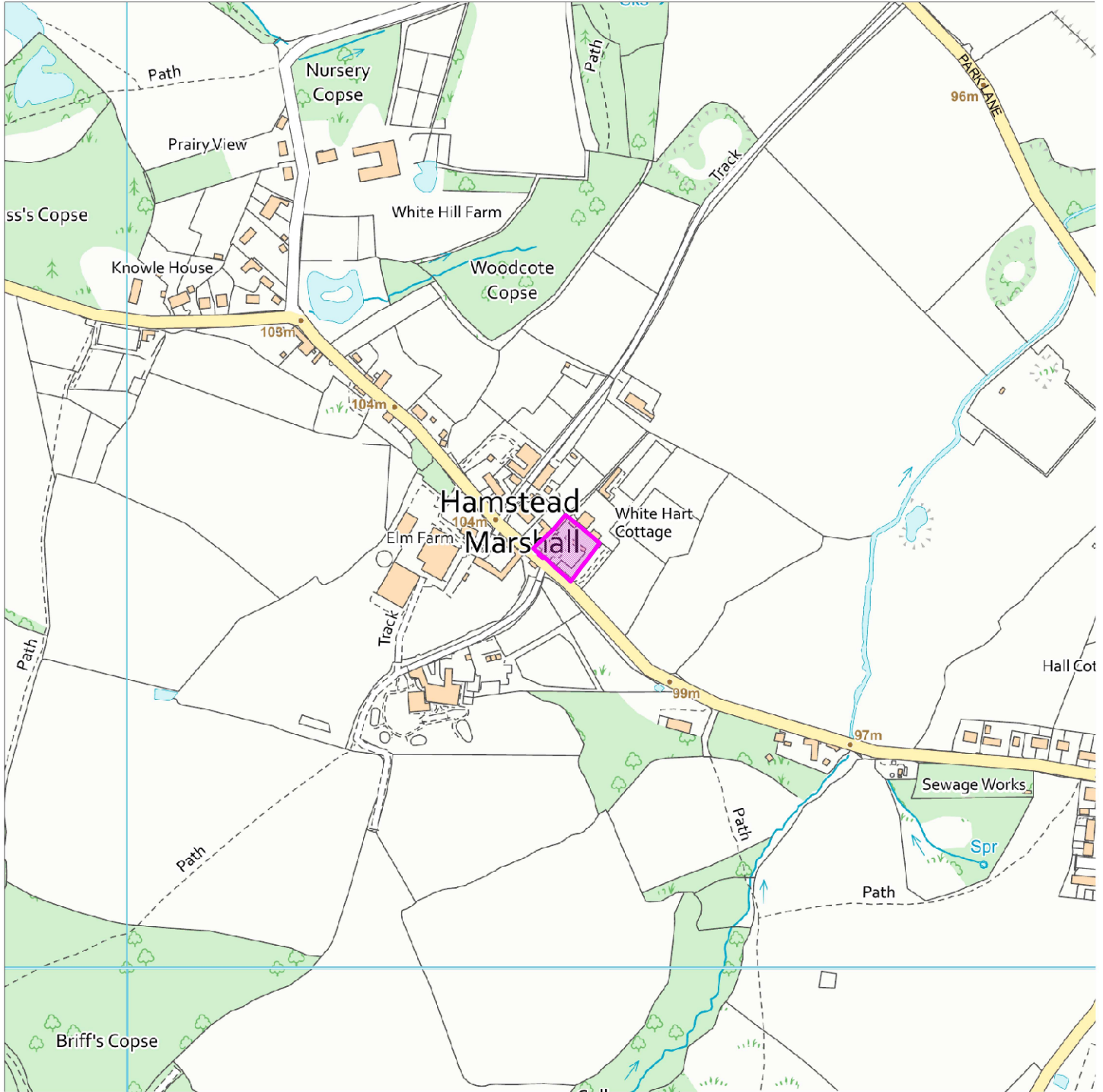
APPLICABLE EXEMPTION

	<p>The exemption that is considered to apply to this application is: The application for planning permission was made before 12 February 2024.</p> <p><b>IRREPLACEABLE HABITAT</b></p> <p>If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.</p> <p>The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.</p> <p>The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.</p> <p><b>THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990</b></p> <p>If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.</p> <p>Those circumstances are that the conditions subject to which the section 73 permission is granted:</p> <ul style="list-style-type: none"> <li>i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and</li> <li>ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.</li> </ul> <p><b>PHASED DEVELOPMENT</b></p> <p>If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.</p> <p>In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).</p>
4.	<p><b>Damage to Footways, Cycleways &amp; Verges</b></p> <p>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.</p>
5.	<p><b>Damage to the carriageway</b></p>

	The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
6.	<b>Excavation in close proximity to the highway</b> In order to protect the stability of the highway it is advised that no excavation is carried out within 15 metres of a public highway without the written approval of the Highway Authority.
7.	<b>Incidental works affecting the Highway</b> Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Highways (Planning) Manager, West Berkshire Council, Highways and Transport, Council Offices, Market Street, Newbury, RG14 5LD, tel. no. 01635 519169, before any development is commenced.
8.	<b>Official Post Office address</b> Please complete and online street naming and numbering application form at <a href="https://www.westberks.gov.uk/snn">https://www.westberks.gov.uk/snn</a> 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.

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The White Hart Inn Hampstead Marshall RG20 0HW



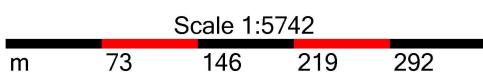
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	10 October 2024
<b>SLA Number</b>	0100024151



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