

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	23/01552/REG3 Stratfield Mortimer	10 th October 2023 (extension of time agreed until to 8 th March 2024)	<p>It is proposed to replace the existing permanent 18 pitch Gypsy caravan site with a new 17 permanent pitch Gypsy caravan site. Each pitch is to consist of a hard standing area large enough for two twin axle caravans, car parking for two vehicles and a 30 sq m amenity building consisting of a kitchen/dayroom, bathroom, separate WC and utility area. In addition to the amenity buildings a recycle storage facility, children play area and sewerage treatment plant are to be located within the site.</p> <p>Four Houses Corner Caravan Site, Reading Road, Ufton Nervet, Reading</p> <p>West Berkshire Council</p>

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/01552/REG3>

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

Ward Member(s): Councillors Nick Carter, Geoffrey Mayes and Vicky Poole

Reason for Committee Determination: The applicant is West Berkshire Council and more than 5 letters of objection have been received.

Committee Site Visit: 27th September 2023

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1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the creation of 17 permanent gypsy and traveller pitches with associated hardstanding, car parking spaces, day rooms, along with a sewerage treatment package plant, and an improved vehicular site access onto the Reading Road. There will also be a small children's play area. The site is presently vacant, but a number of years ago was in use. Whilst the historical permissions allowed for a greater number of pitches, at differing times the site has been occupied by 18 pitches and then 16 pitches, the latter of which is accounted for in the most recent gypsy and traveller need/supply assessments.
- 1.3 There will be 38 parking spaces in total as well, plus a small recycling/bin store area. The total internal floor area proposed is 510m² including the day rooms. The site area is 0.919ha so the application is not classified as a 'major' planning application.
- 1.4 The application site lies just to the south of the Reading Road within the heathland common areas around Burghfield Common and Stratfield Mortimer. It is surrounded by woodland and lies in the open countryside in policy terms. A defined footpath runs to the east of the application site and the whole area lies in a biodiversity opportunity area. In addition, two local wildlife sites of Cowpond and Gibbet pieces lie to the north, whilst the local landscape character area is annotated as WH5 in the 2019 Landscape Character Analysis which is woodland and heathland mosaic.
- 1.5 The application was first considered at Eastern Area Planning Committee on the 4th October 2023. The item was deferred on the basis that additional public consultation should be undertaken by the applicant and site drainage matters should be given further consideration. These matters are addressed below.

Caravan legislation

- 1.6 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.
- 1.7 Caravans are not normally regarded as buildings or operational development under the Planning Acts. The application proposes the redevelopment of the site comprising 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 may come and go over time.

2. Planning History

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

Application	Proposal	Decision/Date
81/14988/ADD	Create 21 pitches at 4 Houses Corner	Approved 1981
80/12338/ADD	Create 20 pitches at 4 Houses Corner	Approved 1980
22/02414/preapp	Construction of 17 mobile home pitch scheme for the gypsy/traveller community .	Closed November 2022

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Consideration has been given to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposed development does not fall within any of the categories of development listed in Schedule 1, and is therefore not automatically EIA development in this respect. Development listed in Schedule 2 of the Regulations only requires screening if it meets/exceeds the relevant threshold or is located within a 'sensitive area' as defined by the Regulations. Paragraph 10(b) relates to 'urban development projects', and Paragraph 12(e) relates to "permanent camp sites and caravan sites". Under either paragraph, the relevant threshold for EIA screening is 1 hectare. The application site measures less than 1 hectare, and it is not located within a 'sensitive area'. As such, EIA screening is not required.
- 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 placed on the application site on 12th July 2023, with a deadline for representations of 2nd August 2023. A public notice was displayed in the Reading Chronicle on 20th July 2023.
- 3.3 In addition, the Council, as applicant, has run a formal six week consultation on the proposal via its own website, and a public meeting was held on the 11th December 2023 in Stratfield Mortimer which was well attended. The results of this consultation are set out as appendices to this report.
- 3.4 **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. 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	3.5
New Homes Bonus	No	No	
Affordable Housing	No	No	

Public Open Space or Play Areas (in terms of S106)	No	No	
Developer Contributions (S106)	No	No	
Job Creation	No	No	
Local Authority Project	Yes	No	3.6

- 3.5 **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). The day rooms are CIL chargeable but not the caravans.
- 3.6 **Local Authority Project:** It should be noted that the proposal is for a Local Authority project and consequently there are local financial considerations in this respect. However, such considerations are not material in this instance as they do not have any bearing on the acceptability of the proposed development in planning terms. It is recognised that such financial considerations will be relevant to other functions of the Council, but as Local Planning Authority the Planning Committee should not take these matters into account.
- 3.7 **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.
- 3.8 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.

- 3.9 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.
- 3.10 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 improved and increased 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.
- 3.11 **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.
- 3.12 The proposals will result in improved and increased accommodation on the site, and as such it is considered that the proposed development would not prejudice the Human Rights of the applicant or any third party (including future residents of the development or nearby residents).
- 3.13 **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. No listed buildings are considered to be materially affected by the proposals.
- 3.14 **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. No conservation areas are considered to be materially affected by the proposals.
- 3.15 **Secretary of State call-in request:** The Department for Levelling Up, Communities and Housing has received a request to call-in the application for determination by the Secretary of State if the Council is minded to grant planning permission for the application. DLUCH is waiting for a committee resolution before considering this request, and the Council has confirmed that a decision notice will not be issued until consideration has been given to this request.

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.

Stratfield Mortimer Parish Council:	A whole range of views summarised as follows. Site in an isolated location. Some discrepancies in the design and access
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	statement and the application form. How will the site not become de-contaminated? No objection per se from the Council.
Sulhamstead Parish Council (adjacent):	<p>The objections raised are similar to those previously stated but still concerned about the apparent doubling of pitches on the site, ie. 34 number in their view, which if occupancy rates were 4 persons per caravan would mean up to 136 people on the site leading to ongoing DEPZ worries in regards to the Emergency Services if an incident occurred at the AWE site.</p> <p>In addition Sulhampstead and Ufton Nervet Parish Council remain concerned about drainage from the site onto the highway adjacent.</p> <p>The objection continues to raise concerns that there was a lack of full public consultation prior to the application being submitted. The Parish Council considers that the application should not be progressed before this consultation is undertaken.</p> <p>Also concerned about the increased traffic generation from the site IF 136 residents were living on the site.</p>
Burghfield Parish Council (adjacent):	The site is not allocated in the HSA DPD and it lies in an isolated location. Does not meet the criteria for exceptions in the countryside for new homes in the HSA DPD so should be rejected. Lies in the DEPZ for AWE Burghfield so no new residents should be encouraged in this area.
Padworth Parish Council:	The Council has set out a long objection letter to the scheme on the basis of the ongoing concerns about future management of the site, possible enforcement issues and the overall cost to the Council taxpayer. It is imperative in their view that if permission is granted to the scheme then the future management of the site must be properly done.
Highway Authority:	Initially concerned that the visibility splays at the improved vehicle access were not adequate but revised plans have been submitted which note that they are acceptable. In addition the car parking provision on site is accepted. The internal access road does not require to be made up to adoptable standards. Conditional permission is now recommended.
Archaeology:	The ground has been considerably worked in the past so it is unlikely to be of any archaeological potential. No objections raised.
Environment Delivery Team (WBC):	Normally the Council would be looking to achieve BREEAM excellent under the remit of policy CS15 in the WBCS. However, the development is for caravans which are very difficult to measure against such energy standards. Accordingly no condition is recommended to apply this BREEAM level.
Basingstoke and Deane Borough Council (adjacent):	No objections raised.

Emergency Planning:	Whilst the site lies in the inner DEPZ for AWE Burghfield, the pitches have already been allowed for in the Council's Off-Site Emergency Plan. Accordingly no objections are raised to the proposal.
Office of Nuclear Regulation:	ONR have consulted with the WBDC emergency planners and have confirmed they have no objections with the condition as proposed by EP.
Lead Local Flood Authority:	Initial objection on the grounds that the LLFA will not permit surface water drain off from the site onto the highway adjacent and a revision to the design requested. Amended plans submitted to show a new drainage run to the south east of the site. Consequently, objection withdrawn and conditional permission is recommended.
Tree Officer:	Conditional permission is recommended.
Environmental Health:	Whilst much of the site has been effectively now decontaminated there remains the possibility of high methane gas levels in the day rooms. Accordingly, a condition is required to ensure correct implementation of the flooring is identified. Also a standard condition regarding unforeseen contamination should be applied. No objections.
Thames Valley Police:	Strong objection to the application. This is connected to the ongoing serious historic concerns with the policing of the site in the past and the use of police resources in investigating criminal offences at the site. This culminated in the murderers of PC Harper being associated with the site in 2019.
Thames Water Utilities:	Noted that drainage will be private. On this basis no objections. The LLFA should be consulted. In addition, a sewerage pumping station lies within 20m of the application site. The proposed occupants of the site should be made aware of possible amenity implications arising from this (e.g. odours at certain times). Otherwise no objections on water supply or sewerage grounds. Officer note: The Environmental Health Officer has responded on this point and she has no concerns about this matter from a health, noise, or odour point of view.
Ecology:	The submitted Preliminary Ecological Appraisal notes the potential for the site to be of ecological importance, particularly with the natural regeneration of the site over the last 3 years it could become a potential Open Mosaic Habitat on Previously Developed Land (OMH) – a Priority Habitat under Section 41 of the NERC Act, 2006, and a survey should be undertaken to determine this. Survey consequently undertaken and this notes that OMH is not present on the site. Accordingly, no objections raised by the Ecologist subject to conditions being applied.

Public representations

4.2 Representations have been received from 51 contributors, two of which support the application, 47 object and two are ambivalent. 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:

4.3 Objection

- The site lies in the inner DEPZ for AWE Burghfield so the Council should not be allowing more residents in this area designation.
- The associations of the site with the death of PC Harper.
- The site is not in a sustainable location.
- Suggestion that the application description should make reference to 34 pitches, as they are double pitches.
- Drainage concerns.
- What about the ongoing costs to the Council taxpayer on the site security?
- How will the site be managed in the future? What about enforcement issues?
- It is not appropriate use of public money.
- Past behaviour from the occupants and the local community do not wish to see this returning. There has been vandalism.
- The site was an eyesore beforehand and it will be not help the local environment
- Why should one section of the community treated differently.

4.4 Support

- The Gypsy community have suffered enough. It is right that the Council should rehouse them. The Council is duty bound to do this. Why has it taken so long?

4.5 Ambivalent

- Whilst the site is supported this is only on the basis that it is properly managed into the future.

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, ADPP6, CS7, CS8, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policy TS3 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- The Stratfield Mortimer Neighbourhood Development Plan (2017).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Planning Policy for Traveller Sites (PPTS)

- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage SPD (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of development, taking into account:
 - The West Berkshire Development Plan
 - Emerging Development Plan policies
 - National planning policy
 - Local need and supply
- Highway matters
- Landscape/visual impact
- Design
- Crime and security
- Emergency Planning and AWE
- Sustainable construction
- Drainage
- Ecoogy
- Other matters
- Public representations

West Berkshire Development Plan

- 6.2 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF provides a presumption in favour of sustainable development (paragraph 11), which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay. Conversely, paragraph 12 states that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.
- 6.3 The most important policies for determining whether the principle of development is acceptable are Policies ADPP1, ADPP6 and CS7 of the Core Strategy, and Policy TS3 of the Housing Site Allocations DPD. The Core Strategy includes a Spatial Strategy (ADPP1 and ADPP6) 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.
- 6.4 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.
- 6.5 Policy ADPP6 is the spatial strategy for the East Kennet Valley. It states that development in the open countryside will be strictly controlled, however, it is not considered to include any points which are directly relevant to this proposed development.

6.6 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) with an assessment included under each criteria:

'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;

6.7 The Reading Road is a local rural distributor road of good quality and capacity.

(b) Easy access to local services including a bus route, shops, schools and health services;

6.8 Whilst the application location is some distance from Burghfield Common, the nearby settlement does have a very good range of facilities including shops, schools, churches.

(c) Located outside areas of high flooding risk;

6.9 The application site is located in Flood Zone 1.

(d) Provision for adequate on site facilities for parking, storage, play and residential amenity;

6.10 The proposal includes adequate on site facilities, including parking, play areas and day rooms.

(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;

6.11 The application site is some distance from the closest settlement, but does not change the existing situation.

(f) Opportunities for an element of authorised mixed uses;

6.12 No mixed uses are proposed, but this is not objectionable.

(g) The compatibility of the use with the surrounding land use, including potential disturbance from vehicular movements, and on site business activities;

6.13 The site is well screened and there are no sensitive adjoining land uses which might be affected by the scheme.

(h) Will not materially harm the physical and visual character of the area;

(i) Where applicable have regard for the character and policies affecting the North Wessex Downs AONB.'

6.14 (h) and (i) are assessed below.

6.15 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).

6.16 This has been achieved as set out in the drainage section below.

(b) Incorporate appropriate vehicle access and turning space.

6.17 Acceptable access and turning space is available.

(c) Include appropriate landscaping proposals, retaining and incorporating key elements of landscape character into the site design.

6.18 The site will be contained by a 2.4m high green wire mesh fencing and in parts 1.8m high close boarded fencing for security. Whilst not immediately attractive it needs to be considered in the light of the surrounding dense woodland on the plateau.

(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.

6.19 The submitted block plan shows a range of permanent day rooms which comply with the criterion, and the highways officer has accepted the internal layout as has your case officer as being a satisfactory design solution to the present site boundaries. The circular layout is efficient and effective, and closely mimics former best practice guidance. The proposed play space is a welcome addition.

(e) Provide a mix of residential and business use where appropriate.

6.20 This is not proposed here, but this not objectionable given the density of development.

(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).

6.21 Whilst the site is in Flood Zone 1 and less than 1ha in area, a Flood Risk Assessment has been submitted due to historical flooding issues. Drainage matters are covered below.

(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.

- 6.22 Given the existing established use of the site, the proposal has a neutral impact in terms of accessibility.
- (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.*
- 6.23 There are none on site but a footpath runs nearby to the east which could easily be used by the occupants of the site.
- (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.*
- 6.24 It is appreciated that the site has been vacant for some years. Notwithstanding, the lawful use of the site means that any additional impact on the local highway network is negligible.
- (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).*
- 6.25 The proposed play spaces within the layout are an improvement on the previous layout.
- (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.*
- 6.26 No site specific infrastructure has been identified. CIL may be chargeable on the dayrooms.
- (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.*
- 6.27 This is not considered necessary in this case because the site is already present and authorised for the use sought, and the site is very well screened by the surrounding woodland.
- (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.*
- 6.28 The preliminary ecological appraisal has been undertaken together with an additional OMH survey. The Ecologist has no objections on this basis.
- (p) Provide a design, layout and siting plan for the development.'*
- 6.29 The criterion has been met.

6.30 Overall, the requirements of Policy TS3 are detailed to address all potential considerations that may relate to new and existing sites. The assessment of the scheme, and this information submitted with the application, is considered to be proportionate to the existing authorised use of the site.

Emerging policies

6.31 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).

6.32 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 2039. A Regulation 19 consultation on the emerging draft plan has taken place, and the plan submitted for Examination in Public by the Planning Inspectorate. 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. The policy also seeks to safeguard existing gypsy and traveller sites, and locate sites on previously developed land where possible. It states:

'Existing authorised sites for Gypsy, Traveller and Travelling Showpeople will be safeguarded for use by Gypsy and Travellers and Travelling Showpeople, unless acceptable replacement accommodation/pitches/plots can be provided. This is to ensure there remains a good supply of pitches and plots in the district.'

National planning policy

6.33 The National Planning Policy Framework (NPPF) at paragraph 62 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'.

6.34 The DCLG publication Planning Policy for Traveller Sites (PPTS) (August 2015) 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.

6.35 According to paragraph 24 of the PPTS, local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) The existing level of local provision and need for sites
- b) The availability (or lack) of alternative accommodation for the applicants
- c) Other personal circumstances of the applicant

- d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) That they should determine applications for sites from any travellers and not just those with local connections

6.36 Paragraph 25 of the PPTS states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

6.37 According to paragraph 26 of the PPTS, when considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) not enclosing 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

6.38 All of the points above are examined under relevant section heading below, where relevant to the proposed development.

Local need and supply

6.39 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.

6.40 The Council has a Gypsy and Traveller Accommodation Assessment (GTAA) carried out in 2014 in accordance with the GTAA practice guidance applicable at that time. This was used to inform the pitch target and policy in the HSA DPD. This GTAA has been updated, particularly as it predated the change to the definition of 'traveller' in the revised PPTS in August 2015.

6.41 The GTAA 2021 provides an update to the 2019 version, to understand an updated 5 year supply position. The GTAA identifies a 'cultural' need and a 'PPTS' need. An overall 'cultural' need for pitches looks at the overall need for the Travelling community and takes into account the Human Rights Act 1998, the Equalities Act 2010 and the Housing and Planning Act 2016 section 124. A PPTS filter is then applied to identify the level of need associated with those households meeting the definitions set out in the PPTS Annex 1. The needs arising from the PPTS analysis establishes the level of need under which a 5 year land supply is assessed. The Lisa Smith Court of Appeal judgement found that the Government's definition of 'traveller' as outlined in the PPTS was discriminatory, and reinforces why the Council needs to take into account all needs, as is done through the cultural needs assessment of the Council's GTAA.

- 6.42 The GTAA indicates that there is an identified need for a total of 60 pitches up to 2025/26, when reviewing the 5 year short term need. At the time that the GTAA was published 45 had already been accommodated. It is important to note that of the 45 this includes the Four Houses Corner site comprising 16 pitches.
- 6.43 The GTAA also examines need between 2021/22 and 2037/38. The following table examines the residual need, which takes into account recent permissions and the additional pitch hereby proposed at Four Houses Corner. This still leaves a need for 3 pitches in the short term, and 17 pitches in the longer term (20 in total).

Table Addressing Gypsy and Traveller pitch need updated		
West Berkshire	Cultura l need	Of which PPTS NEED
5yr Authorised Pitch Shortfall (2021/22 to 2025/26) (A)	<u>13</u>	<u>9</u>
Supply: Additional residential pitches (B1) – Paices Hill transit to residential	<u>8</u>	<u>8</u>
Supply: Additional residential pitches (B2) – Additional pitch at Four Houses Corner	<u>1</u>	<u>1</u>
Supply: Additional residential pitches (B3) – Additional pitch at Ermin Street, Lambourn Woodlands	<u>1</u>	<u>1</u>
Residual need 2021/22 to 2025/26 with additional residential pitches included in supply (C) = A-B1-B2-B3	<u>3</u>	<u>-1</u>
Longer-term need 2026/27 to 2037/38 (D)	<u>17</u>	<u>11</u>
Residual need 2021/22 to 2037/38 with additional residential pitches included in supply (E) = C+D	<u>20</u>	<u>10</u>

- 6.44 There are no new site allocations proposed in the emerging Local Plan Review, but the existing allocated site at Paices Hill is proposed to remain as a continuing allocation. Planning permission was granted in September 2022 for the change of use of 8 transit pitches to 8 permanent pitches at the Paices Hill site.
- 6.45 The Planning Inspector for the Lawrences Lane, Thatcham appeal, noted that the need for the District was not large and was satisfied that there were plans to address the need, in the form of a Gypsy and Traveller Accommodation Development Plan Document to follow the Local Plan Review.
- 6.46 Should the redevelopment of Four Houses Corner not go ahead, the Council could no longer demonstrate a 5 year housing land supply. This would add a large number to the required need, may mean a new Council site be required, and/or planning permission may be granted at the application or appeal stage for sites which may be less suitable. Given that the application site already has an extant planning use for 18 pitches (the use has not been abandoned, just temporarily vacated) it is a suitable site in principle.
- 6.47 Overall, the above demonstrates the importance of redeveloping the Four Houses Corner site to maintain an adequate supply in both the short and long term. The proposal increases the number of pitches by 1, from 16 to 17, which is welcome in the context of the identified need, and it is good practice to make efficient use of land where possible.

Assessment of principle of development

- 6.48 The proposed development is considered to comply with the aforementioned policies of the West Berkshire Development Plan, the emerging policies in the Local Plan Review, and the relevant national policies. The retention of existing sites is specifically identified as necessary by the emerging policies, in recognition of the need and supply set out above. Four Houses Corner is to make a significant contribution to supply in the short and long term.
- 6.49 The proposal is for the redevelopment of an established site, rather than the creation of a new site. It therefore makes good use of previously developed brownfield land, and does not conflict with national policies regarding the location of new sites in the countryside. Many of the fundamental policy considerations are therefore also addressed or not engaged.

Highway matters

- 6.50 Policy CS13 in the Core Strategy is the principal policy against which the application needs to be addressed. The highways officer has carefully examined the proposal in the light of this policy and has concluded that conditional permission is appropriate based on the following:
- a) The internal layout is accepted as is the parking provision including four visitor spaces.
 - b) The proposed forward visibility splays in both directions at 2.4m by 215m is accepted as the local speed limit is 60mph on the Reading Road.
 - c) The traffic generation issue is not a matter with which the Local Highways Authority is concerned, given the existing use of the site and the local road is a principal distributor road in the local network.
- 6.51 Accordingly the proposed development is considered to comply with Policy CS13.

Landscape and visual impact

- 6.52 The application site lies in the *WH5 Burghfield Woodland mosaic on a gravel plateau* designation in the West Berkshire Landscape Character Assessment of 2019. The principal features of this area is land significantly covered by woodland with limited public access but dominated by a high level of urban development; for example AWE Aldermaston to the west and Burghfield Common to the east. Otherwise the level of overall development is limited.
- 6.53 Four Houses Corner comprises one such minor enclave of built form, and as mentioned above is very well screened from longer and shorter distance views by the woodland. The introduction of the mesh fence will enhance the immediate locality from the existing situation, since the security boarding around the site is currently unattractive and will be replaced. This new fencing will permit a greater degree of intervisibility across the site which will improve the locality.
- 6.54 The height of the new buildings will be limited to single storey only, the day rooms being circa 5.5m to ridge and the caravans typically being no more than 3.5 m in height. This will help to reduce any localised visual impact. Having regard to policy CS19 in the Core Strategy, which encourages new development not to be harmful visually or indeed harm the local landscape itself, your officers consider that the level of impact will be minimal and so acceptable under Policy CS19. It is also important to

note that no special landscape designation washes over the application site, such as a National Landscape (former AONB).

Design

- 6.55 According to Policy CS14, good design relates not only to the appearance of a development, but the way in which it functions. Consistent with the PPTS, Policy CS7 seeks the provision for adequate on site facilities for parking, storage, play and residential amenity. Policy TS3 states that proposals will (amongst other considerations): (1) include appropriate landscaping proposals, retaining and incorporating key elements of landscape character into the site design; (2) be well designed and laid out with shelter and amenity buildings which are appropriately located and constructed of sympathetic materials suited for the purpose; and (3) Provide a design, layout and siting plan for the development.
- 6.56 The *Designing Gypsy and Traveller Sites Good Practice Guide* (DCLG, May 2008) is now cancelled, but sought to establish and summarise the key elements needed to design a successful site. Although the guidance was formally cancelled, in the absence of any updated guidance it continues to provide a useful reference.
- 6.57 In terms of design, it is considered that the layout and orientation of the proposed pitches is considered acceptable, offering reasonable privacy and natural surveillance. The layout of the site closely conforms to the former best practice for circular site design, with reasonable levels of privacy for individual plots and good natural surveillance across shared spaces.
- 6.58 A communal play area is proposed in the centre of the site in a well-overlooked location. Such shared facilities will help encourage a sense of place and ownership that generally has benefits for long term maintenance.
- 6.59 By comparison to the former layout, the proposal is considered to represent a significant enhancement, in accordance with the aforementioned policies.

Crime and security

- 6.60 Crime and security as a planning matter gained increased force after Section 17 of the Crime and Disorder Act 1998 required all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority must consider when exercising its planning functions under Town and Country Planning legislation.
- 6.61 National Planning Policy Guidance at para.69, in relation to 'Promoting healthy communities', states that "Planning policies and decisions...should aim to achieve places which promote (amongst other matters):
- (a) safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 - (b) safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas."
- 6.62 A significant proportion of the objections to the proposal relate to the association of the site with past criminal activity.

- 6.63 In terms of the principle of the site in this location, in planning terms there is an existing lawful use for up to 18 gypsy and traveller pitches. The proposal therefore represents a reduction in the current lawful use. Solely in terms of its use, the site could currently be occupied without planning permission for up to 18 gypsy and traveller pitches, albeit without any new operational development.
- 6.64 It is not considered that a planning objection can be sustained on the principle of the site in relation to crime and security.
- 6.65 The proposed site layout conforms with the former best practice guidance, and maximises natural surveillance across the site. The layout provides a legible environment, where shared and private spaces are clearly defined. It is considered to be an improvement over the previous layout.
- 6.66 The fear of crime is also 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.
- 6.67 *Smith* established that, to be a material planning consideration:
1. 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
 2. The object of that fear and concern must be the use, in planning terms of the land.
- 6.68 It is considered that there is a reasonable basis for fear of crime being connected to the site. This is demonstrated by the representations from Thames Valley Police, detailing criminal history, and in particular regarding the association with the tragic death of PC Harper. The first test is considered to be met.
- 6.69 However, in order for this to amount to a material planning consideration the second test must also be met. The above case law provides further guidance in this respect. In *West Midlands Probation Committee*, the fear of crime was demonstrated to arise from the use of the land as a bail hostel, and not only the behaviour of some of the hostel's occupants, that grounded legitimate concern.
- 6.70 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... 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."*
- 6.71 Having regard to the above legal authorities, it is considered that fear of crime is not a material planning consideration in this instance. This is because the fear arises from the behaviour of individuals associated with the site, rather than the land use itself.
- 6.72 Overall, in principle the continued use of the site on crime and security grounds is acceptable given the existing lawful use and other policy considerations detailed above. The design of the proposed development is considered to be an improvement on the former design and therefore a planning objection cannot be sustained. In the

particular circumstances of this case, whilst there is clearly a reasonable basis for the fear of crime, it is not considered to be a material planning consideration because it relates to past behaviour of occupants rather than the planning use itself.

AWE Burghfield

- 6.73 Policy CS8 in the Core Strategy identifies the need for the local planning authority to take into account new development within defined land use planning consultation zones surrounding both the AWE Aldermaston and Burghfield.
- 6.74 The application site lies in the DEPZ (Detailed Emergency Planning Zone) for AWE Burghfield where development is normally restricted where it materially increases the local resident population, as this would place additional burdens on the response of the emergency services during any incident. However, the Emergency Planning Service is not objecting to the application given the existing use, and because the future occupation of the site has already been allowed for in the Council's Off-Site Emergency Plan.
- 6.75 Accordingly, on this basis, the Office for Nuclear Regulation has not objected to the proposal. The scheme accordingly complies with Policy CS8.
- 6.76 Additional parish objections have been received on the issue of how the numbers of occupants on the site can be controlled. The applicant has stated that this will be controlled via leasing agreements and on the pitches it is only the mobile homes that can be occupied, not the caravans. This is a matter governed outside the planning process. With respect to planning considerations, it is recognised that the number of occupants may vary between households, as is the case for any residential development within the DEPZ, and it is not appropriate for a planning permission to seek to control household composition. However, a planning condition is recommended to limit the maximum number of pitches.

Sustainable construction

- 6.77 The zero carbon requirements in Policy CS15 of the Core Strategy do not apply as the proposal is not a major development. No objections have been received from the Council's Environment Delivery Team.

Drainage

- 6.78 The Flood Risk Assessment identifies a low risk of fluvial (Flood Zone 1), artificial and sewer flood sources, a very low risk of surface water flooding, but a medium to high risk of groundwater flooding. A surface water drainage strategy has been provided to demonstrate that surface water runoff arising from the development can be sustainably managed and result in an improvement on the past situation.
- 6.79 Since the last Committee further amended plans have been received to show a new outfall run to the south-east, which has addressed the Lead Local Flood Authority's initial concerns with the proposal. The Lead Local Flood Authority has confirmed it is content with the amended scheme which is a betterment in drainage terms to that as exists now.

Ecology

- 6.80 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.

- 6.81 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
- 6.82 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.
- 6.83 In order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan. Opportunities will be taken to create links between natural habitats and, in particular, strategic opportunities for biodiversity improvement will be actively pursued within the Biodiversity Opportunity Areas identified on the Proposals Map in accordance with the Berkshire Biodiversity Action Plan.
- 6.84 The application has been supported by an Ecological Assessment (comprising an extended phase 1 habitat and protected species scoping survey and preliminary bat roost assessment) and an Open Mosaic Habitat on Previously Developed Land report.
- 6.85 **Bats:** Bat surveys undertaken in August and September 2023, confirmed the presence of a common pipstrelle day roost in building B2, identified on plan ECO7178 'Results of Extended Phase 1 Habitat Survey'. Therefore, a protected species licence will be required from Natural England before any demolition of the building occurs.
- 6.86 Bats are subject to the species protection provision of the Habitats Directive, as implemented by the Conservation (Natural Habitats etc.) Regulations 2010. This contains three 'derogation tests' which must be applied by the Local Planning Authority at the planning application stage and by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species. The three tests that must be met in order to successfully obtain a Natural England EPSM licence are as follows:
- (a) The consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest (IROPI) including those of a social or economic nature and beneficial consequences of primary importance for the environment';
 - (b) There must be 'no satisfactory alternative'; and
 - (c) The action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

- 6.87 The proposal is considered to constitute an IROPI in terms of delivering development which is in accordance with the development plan for the area. It is considered that there are no satisfactory alternatives to the approach taken which would deliver these benefits and avoid disturbance. The submitted ecology report and the ecology consultation response demonstrate that the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. Accordingly it is considered that the development passes the derogation tests.
- 6.88 Two planning conditions regarding bats are recommended.
- 6.89 **Reptiles:** A reptile survey undertaken in August-September 2023 confirmed the presence of slow worms on site. Ecology are content with the mitigation measures proposed and suggest these are secured by way of condition.
- 6.90 **Nesting birds:** Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (bird breeding season is March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season then mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found during work, development must cease until after the juveniles have fledged. A planning condition is recommended accordingly.
- 6.91 **Invasive species:** The site has a population of Japanese Knotweed (*Fallopia japonica*) of which is an invasive, non-native species listed under schedule 9 of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it an offence to plant or otherwise cause it to grow in the wild. If left un-treated the development will cause the spread of the plant elsewhere. Therefore we advise that full eradication is carried out prior to any development and evidence of this is submitted to the Local Planning Authority. If this is not possible (due to seasonal constraints) then any strands of Japanese Knotweed (*Fallopia japonica*) will need to be fenced off to prevent spread and dealt with in the correct season. A planning condition is recommended to secure a Japanese Knotweed Eradication Strategy.
- 6.92 **Priority Habitat:** The site has no current status of Priority Habitat. However, the Council's Ecology team identified that the land had become well vegetated whilst vacant, and therefore to be considered as a potential Open Mosaic Habitat on Previously Developed Land (OMH) – a Priority Habitat under Section 41 of the NERC Act, 2006. They recommended that a survey should be undertaken to determine this.
- 6.93 An updated survey for Open Mosaic Habitat by GS Ecology was conducted on 8th February 2024 confirmed that the Priority Habitat Open Mosaic habitat is not present on the site, following the JNCC criteria definition. This has been reviewed by the Council's Ecology team and it is has been confirmed that sufficient information has now been provided.
- 6.94 **Other ecological considerations:** The Council's Ecology team also recommend conditions regarding biodiversity enhancements (note that mandatory Biodiversity Net Gain does not apply to this application), further ecological surveys if the implementation of the development is delayed, and a Construction Environmental Management Plan.
- 6.95 Overall, it is concluded that the proposed development complies with Policy CS17 and the relevant legislation subject to the imposition of the recommended conditions.

Other matters

- 6.96 **Contaminated land:** Environmental Health have been consulted on the application and their views are that the application is accepted with appropriate conditions on the future decontamination of the application site.
- 6.97 **Trees:** The tree officer is content with the application and is recommending conditional permission.

Public representations

- 6.98 The public representations have been summarised in this report. Those which relate to material planning considerations have been taken into account in arriving at the recommendation, and the main determinative issues have been assessed above. It should be noted that a significant number of points made do not relate to relevant material planning considerations.
- 6.99 In relation to representations that the application is suggested as not complying with the exceptions for new housing in the countryside, there are specific policies relating to gypsy and traveller development against which this application has been assessed.
- 6.100 An objection raised by Stratfield Mortimer Parish Council was that the original application was not accompanied by a Site Design Brief. Policy GD1 of the Stratfield Mortimer Neighbourhood Development Plan seeks these for housing developments outside settlement boundaries. Such briefs may provide an appraisal of the planning context, and usually cover matters such as housing mix, access, landscaping, building design, and flood management. In this instance, the application is accompanied by a Design and Access Statement, which has been supplemented by the public consultation undertaken by the applicant during the course of the application. Whilst the proposal is not for a housing development, it is considered that the application is accompanied by sufficient supporting information to enable the determination of the application.

7. Planning Balance and Conclusion

- 7.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 Four Houses Corner is an existing gypsy and traveller site, which makes a significant contribution to the overall supply of gypsy and traveller pitches within the district. The principle of redeveloping the site is in accordance with the Development Plan, and it is a material consideration of particular importance that, without this site, the Council could not demonstrate a five-year supply of gypsy and traveller pitches. The site is relatively detached from nearby settlements and opportunities for active travel are therefore reduced, however this is no different from the existing situation.
- 7.3 The most prevalent representations made in objections to the proposed development relate to crime and security, not least due to the association of the site with the death of PC Harper. In planning terms, no change of use is proposed, and there is an existing lawful use for up to 18 pitches on the site. As such, there are not considered to be any valid planning reasons to warrant the refusal of the redevelopment of the site in principle.
- 7.4 The design of the site is considered to be a significant improvement over that of the previous design. The circular radial design conforms closely to former best practice

and is considered to maximise natural surveillance across the site, and help contribute to an enhanced sense of place and ownership. It also includes a shared children's play area in an overlooked location. This weighs in favour of the proposals.

- 7.5 The landscape and visual impacts would be comparable to the former site, and an enhancement on the current condition of the vacated site. Technical considerations, such as access, parking, traffic, highway safety, ecology, and drainage have all been assessed as acceptable by the relevant experts. The site is already accounted for in the AWE Off-Site Emergency Plan, but the permission will also secure a site-specific Emergency Plan.
- 7.6 Several issues have been raised that do not relate to material planning considerations and therefore cannot be taken into account in this planning decision.
- 7.7 Whilst a fear of crime is capable of being a material planning consideration, past court decisions have clarified that this is only the case where the fear relates to the use itself, rather than the activities or behaviours of specific occupants. There is clearly a reasonable basis for the concern in this instance, but because it relates to occupants rather than use, it is not something that can be taken into account in this planning decision.
- 7.8 Several representations have also been made on matters which relate to how the site is managed, which is largely not a material planning condition, except to the extent where planning conditions have been recommended to address specific matters. The implications for the Council's finances are not a material planning consideration in this instance because these factors do not influence whether the development is acceptable on planning terms.
- 7.9 Overall, having regard to the relevant development plan policies and material considerations it is concluded that the reasons for granting planning permission significant and demonstrably outweigh any potential adverse impacts in planning terms. A suite of conditions is recommended that will ensure that the development is carried out in a way that is acceptable in planning terms.
- 7.10 The application is recommended for **conditional approval**.

8. Full Recommendation

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

Conditions

1. **Commencement of development**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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).

2. **Approved plans**

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

All E1511-GSA-XX-DR:

A-000, [01 and 02], A-403, A-401, A-402, A-102, A-103, A-104, A-105, A-110, A-120 and A-053-05, and A-052-06.

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

3. **AWE Emergency Plan (Construction)**

No development shall take place until a site-specific Emergency Plan has been submitted to and approved in writing by the Local Planning Authority. The Emergency Plan shall provide policies and procedures for the preparedness and response to an incident at AWE Aldermaston/Burghfield during the construction of the development. Thereafter the development shall be carried out in accordance with the approved Plan.

Reason: The approval and implementation of a site-specific Emergency Plan is necessary to mitigate the residual risk posed to public safety by the close proximity of AWE Burghfield, to ensure appropriate preparedness and response in the event of an incident at AWE, and to ensure that the development does not adversely affect the AWE Off-Site Emergency Response Plan. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS8 of the West Berkshire Core Strategy 2006-2026.

4. **AWE Emergency Plan (Operational/Occupation)**

The site shall not be first occupied until a site-specific Emergency Plan has been submitted to and approved in writing by the Local Planning Authority. The Emergency Plan shall provide policies and procedures for the preparedness and response to an incident at AWE Aldermaston/Burghfield during the operation and occupation of the development.

Thereafter, the premises shall not be operated without the implementation of the approved Emergency Plan, or an approved revision.

The plan shall be kept up-to-date, and relevant to the occupant at all times. An amended version of the plan may be submitted to the Local Planning Authority for approval pursuant to this condition. The Local Planning Authority may at any time require the amendment of the Plan by giving notice pursuant to this condition; in which case the amended plan shall be submitted to the Local Planning Authority for approval within 1 month of notice being given.

Reason: The approval and implementation of a site-specific Emergency Plan is necessary to mitigate the residual risk posed to public safety by the close proximity of AWE Burghfield, to ensure appropriate preparedness and response in the event of an incident at AWE, and to ensure that the development does not adversely affect the AWE Off-Site Emergency Response Plan. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS8 of the West Berkshire Core Strategy 2006-2026.

5. **Footway**

The development shall not be brought into use until the footway to be constructed fronting the site has been constructed in accordance with the approved drawings and any statutory undertaker's equipment or street furniture located in the position of this footway/cycleway has been re-sited to provide an unobstructed footway/cycleway.

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

6. **Visibility splays**

The development shall not be brought into use until the visibility splays at the access have been provided in accordance with drawing number E1511-GSA-XX-DR -A-052

Rev06. 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).

7. **Parking**

No pitch shall be first occupied until vehicle parking and turning spaces for that pitch and all shared areas have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring (of private cars and/or private 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 that would adversely affect road safety and the flow of traffic. 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.

8. **Access construction**

The development shall not be brought into use until the access has been constructed in accordance with the approved drawings.

Reason: 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).

9. **Cycle parking/storage (prior approval before occupation)**

No pitch shall be first occupied until cycle parking/storage facilities for that pitch and all shared areas have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be maintained and kept available for that purpose at all times.

Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. 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).

10. **Maximum pitches**

At no time shall more than 17 pitches be provided on the application site.

Reason: To prevent the overdevelopment of the site and maintain good amenity for occupants. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026.

11. **Occupation restriction**

The site hereby permitted shall not be occupied at any time other than by Gypsies and Travellers, as defined in the revised 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.

12. **Day rooms**

The dayrooms hereby permitted shall only be used for purposes ancillary and/or incidental to the pitches upon which they are sited.

Reason: To prevent the overdevelopment of the site and maintain good amenity for occupants. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026.

13. Land contamination

If any previously unidentified contaminated land is found during demolition and/or construction activities, 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).

14. Gas migration

The gas protection measures to make the land suitable for its intended use, as set out in the Earth Environmental & Geotechnical Report dated April 2022 shall be completed in full and a validation report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect future occupiers and users of the site from the harmful effects of contamination, in accord with the advice on human health in the NPPF.

15. Drainage

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority in accordance with the principles of Ardent Consulting Engineers' Drawings No. 2206380-001C These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;
- b) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- c) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;

- d) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- e) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- f) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- g) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises; and
- h) Provide details of how surface water will be managed and contained within the site during any construction works to prevent silt migration and pollution of watercourses and land either on or adjacent to the site.

Thereafter the development shall be carried out in accordance with the approved details.

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 and Policy CS16 of the West Berkshire Core Strategy (2006-2026). A pre-condition is necessary because insufficient detailed information accompanies the application and so it is necessary to approve these details before any development takes place.

16. Submission of a copy of the EPS licence

The demolition of Building 2 identified on the Extended Phase 1 Habitat Map, ECO3178, of the Ecological Assessment by GS Ecology (January 2024), shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- (a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
- (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.

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.

17. Lighting design strategy for light sensitive biodiversity

Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved 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.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, 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.

18. **Reptile Mitigation Strategy**

All ecological measures and/or works shall be carried out in accordance with the Reptile Mitigation Strategy contained in 4.32 - 4.41 of the Ecological Assessment by GS Ecology, dated February 2024 as already submitted with the planning application prior to determination.

Reason: To secure detailed ecological mitigation and enhancement measures. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

19. **Nesting Birds**

No removal of hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

20. **Invasive Species (Japanese Knotweed Eradication Strategy)**

Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed (*Fallopia japonica*) on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: For the removal of invasive species in line with schedule 9 of the Wildlife and Countryside Act 1981 (as amended). A pre-commencement condition is necessary, as if left untreated, the development will cause the spread of the plant elsewhere.

21. **Biodiversity enhancements**

Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. The approved details will be implemented and thereafter retained.

Reason: To secure detailed ecological mitigation and enhancement measures. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

22. **Ecological surveys**

If the development hereby approved is suspended for more than 12 months from the date of this permission, the approved ecological reports 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 protected species and (ii) identify any likely new ecological impacts that might arise from any changes.

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 works recommencing. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

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.

23. **Construction Environmental Management Plan (CEMP)**

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- (a) Details of the working method statement for bats at 4.16 of the Ecological Assessment by GS Ecology (January 2024).
- (b) Risk assessment of potentially damaging construction activities.
- (c) Identification of "biodiversity protection zones".
- (d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- (e) The location and timing of sensitive works to avoid harm to biodiversity features.
- (f) The times during construction when specialist ecologists need to be present on site to oversee works.
- (g) Responsible persons and lines of communication.
- (h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (i) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site and wider area in accordance with Policy CS17 in the West Berkshire Core Strategy (2006 to 2026) and the National Planning Policy Framework. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.

Informatives

1. **Statement under Article 35(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015**

The Council seeks to work with applicants in positive and proactive manner, where possible seeking solutions to problems arising in relation to dealing with a planning application. In accordance with the National Planning Policy Framework, the Council offers a pre-application advice service so that potential issues can be identified and addressed prior to submission. The Council will also negotiate improvements to submitted applications in line with its published strategy. In this instance, the applicant has been given the opportunity to submit additional information to address issues raised during the consideration of the application.

2. **CIL**

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 www.westberks.gov.uk/cil