

Agenda Item 18.

Application Number	Expiry Date	Parish	Ward
201143	13 th August 2020	Finchampstead	Finchampstead South;

Applicant	Mr D Reed
Site Address	Land adjacent to 166 Nine Mile Ride, Finchampstead, Wokingham, RG40 4JA
Proposal	Full planning application for the proposed addition of four pitches to an existing four pitch caravan park for gypsy and travellers, plus reconfiguration of existing site.
Type	Full
PS Category	17
Officer	Graham Vaughan
Reason for determination by committee	Listed by Councillor Weeks

FOR CONSIDERATION BY	Planning Committee on Wednesday, 12 August 2020
REPORT PREPARED BY	Assistant Director – Place

SUMMARY
<p>The application is before Committee as due to local concerns on the grounds of loss of amenity, overdevelopment/density, accuracy of submitted plans and a lack of proven need, as WBC can currently demonstrate more than a 5 year land supply for gypsy and traveller sites.</p> <p>The application for the proposed addition of four pitches to an existing four pitch caravan park for gypsy and travellers, plus reconfiguration of the existing site will help towards meeting the Council's statutory duty to provide accommodation for cultural Gypsies and Travellers and provide greater flexibility and certainty of future supply. In this regard whilst there may be conflict with Policy CP11 of the Core Strategy, it adheres to principles of Policy CP2 of the Core Strategy, TB10 of the MDD Local Plan and the PPTS which provides specific policy guidance for gypsy/traveller sites in that the site makes effective use of previously developed land within the existing envelope of the site immediately adjacent to the settlement boundary of a modest development location. Notwithstanding the limited weight that the Local Plan Update currently has in the decision making process, the application site corresponds with site 5FI015 promoted for Gypsy and Traveller pitches through the Local Plan Update process. The site is included in the Draft Plan as a proposed allocation for 4 net additional pitches.</p> <p>It has also been demonstrated that the development would not have a detrimental impact upon the amenity of neighbouring occupiers, upon highway safety, upon ecology, environmental considerations, upon trees and landscape and upon the Thames Basin Heath SPA (subject to completion of S106). It is therefore recommended that this application is approved.</p>

PLANNING STATUS
Countryside Location Contaminated land consultation zone Water Utility consultation zone Green Route Bat Roost Habitat Suitability

Public Open Space – Warren Wood
TPO
Landscape Character Area
Thames Basin Heath SPA Buffer Zone (400m – 5km)
SSSI Impact Risk Zones
Local Plan Update – Submitted Site

RECOMMENDATION

That the committee authorise the GRANT OF PLANNING PERMISSION subject to the following:

A. A legal agreement to secure the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) to offset the impact on the Thames Basins Heaths Special Protection Area. If the Agreement is not completed within 3 months of the date of this resolution, Planning Permission will be refused unless the Operational Manager in consultation with the Chairman of the Planning Committee agree to a later date.

B. Conditions and Informatives:

Conditions and Reasons

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

Reason: In pursuance of s.91 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).

2. Approved details - This permission is in respect of the submitted application plans and drawings numbered 500.C, 501.E, 1000 and 1050.A received by the local planning authority on 14 May 2020. The development shall be carried out in accordance with the approved details unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.

3. Landscaping - Prior to the commencement of the development there shall be submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, and any existing trees or shrubs to be retained. Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the building(s). Any trees or plants which, within a period of 5 years from the date of the planting (or within a period of 5 years of the occupation of the buildings in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species or otherwise as approved in writing by the local planning authority.

Reason: To ensure adequate planting in the interests of visual amenity. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21 (and TB06 for garden development).

4. Protection of trees - a) No development or other operation shall commence on site until an Arboricultural Method Statement and Scheme of Works which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with BS5837: 2012 has been submitted to and approved in writing by the

local planning authority. No development or other operations shall take place except in complete accordance with the details as so-approved (hereinafter referred to as the Approved Scheme).

b) No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the Approved Scheme are in place on site.

c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.

d) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the local planning authority has first been sought and obtained.

Reason: To secure the protection throughout the time that the development is being carried out of trees shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, and to allow for verification by the local planning authority that the necessary measures are in place before development and other works commence Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.

5. Parking and turning space to be provided - No part of any pitches hereby permitted shall be occupied or used until the vehicle parking and turning space has been provided in accordance with the approved plans. The vehicle parking and turning space shall be retained and maintained in accordance with the approved details and the parking space shall remain available for the parking of vehicles at all times and the turning space shall not be used for any other purpose other than vehicle turning.

Reason: To provide adequate off-street vehicle parking and turning space and to allow vehicles to enter and leave the site in a forward gear in the interests of road safety and convenience and providing a functional, accessible and safe development and in the interests of amenity. Relevant policy: Core Strategy policies CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

6. Cycle parking to be provided - No pitch shall be occupied until secure and covered parking for cycles has been provided in accordance with the approved drawing (s)/details. The cycle parking/ storage shall be permanently so- retained for the parking of bicycles and used for no other purpose.

Reason: In order to ensure that secure weather-proof bicycle parking facilities are provided so as to encourage the use of sustainable modes of travel. Relevant policy: NPPF Section 9 (Sustainable Transport) and Core Strategy policies CP1, CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

7. Access to be provided - No pitch shall be occupied until the access has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety and convenience. Relevant policy: Core Strategy policies CP3 & CP6.

8. Access surfacing - No pitch shall be occupied until the vehicular access has been surfaced with a permeable and bonded material across the entire width of the access for a distance of 10 metres measured from the carriageway edge.

Reason: To avoid spillage of loose material onto the highway, in the interests of road safety. Relevant policy: Core Strategy policy CP6.

9. Restriction of occupation - The site shall not be permanently occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (August 2015) (or any subsequent definition that supersedes that document) their spouses and resident dependants.

Reason: To ensure continuing provision for the needs of the gypsy population. Relevant policy: Planning Policy for Traveller Sites (August 2015), Core Strategy policy CP2 and Managing Development Delivery Local Plan policy TB10

10. Restriction of vehicle use - No vehicle over 3.5 tonnes unladen weight shall be stationed, parked or stored on this site.

Reason: In the interests of highway safety and the amenities of the area. Relevant policy: Core Strategy policies CP1, CP3, CP6 & CP11 and Managing Development Delivery Local Plan policy TB21.

11. There shall be no more than 8 permanent gypsy and traveller pitches in total on the site as show on the submitted plan 501.E Proposed Layout. There shall be no more than 1 static and 1 touring caravan per pitch, as defined in the Caravan Sites and Control of Development 1960 and the Caravan Sites Act 1968 stationed at any time.

Reason: In the interests of visual amenity and infrastructure provision. Relevant policy: Core Strategy policy CP2, CP3 and CP4, and Managing Development Delivery Local Plan policy TB21.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Oder revoking and re-enacting the Order with or without modification), no external lighting shall be installed on the site or affixed to any structures on the site except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: Reason: In the interests of visual and residential amenity. Relevant Policy: Core Strategy Policies CP1, CP2 and CP3.

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant in terms of:

- addressing concerns relating to highway safety;

The decision to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF is considered to be a positive outcome of these discussions.

2. This permission should be read in conjunction with the legal agreement under section 106 of the Town and Country Planning Act dated [INSERT], the obligations in which relate to this development.

3. The applicant is reminded that this approval is granted subject to conditions which must be complied with prior to the development starting on site. Commencement of the development without complying with the pre-commencement requirements may be

outside the terms of this permission and liable to enforcement action. The information required should be formally submitted to the Council for consideration with the relevant fee. Once the details have been approved in writing the development should be carried out only in accordance with those details. If this is not clear please contact the case officer to discuss.

4. WBC Landscape Officer advice regarding Condition 3:

I suggest that the Planting Specification be changed to read as follows;

New hedge planting to contain 20% Hawthorn, 20%Blackthorn, 20% Rowan, 20% Beech, 20% Oak. Plant in a double staggered row 450cm apart at 45cm centres.

Interspersed with trees; Birch (Betula pendula) and Lime (Tilia 'Winter Orange') – Sycamore will grow very big and have a dense canopy whilst Birch will have a lighter canopy and Lime will have winter interest and only reach 8m at maturity. The trees should be planted at 10-15m centres to ensure at maturity there are gaps between the canopies to avoid shading. I have included Rowan and Oak in the hedge mix as these are found within the TPO.

Please update the planting information and submit as a Landscape Condition and include the size and the numbers of plants required. All plants should be protected with guards until established and then removed (or use biodegradable guards). Trees should be double staked and tied – and these removed once trees are established.

PLANNING HISTORY		
Application Number	Proposal	Decision
080059	Proposed change of use for the siting of two mobile homes for residential use, and change of use of the existing store room for use as day room for residential purposes.	Refused 12 March 2009 Appeal Allowed 15 September 2009 Appeal Ref: APP/X0360/A/09/2102058
090332	Application for submission of details to comply with the following condition of Planning Appeal consent F/2008/2353: 4(i) Proposed siting of mobile homes; siting of existing commercial activities; programme of archaeological work; and a protected reptile contingency plan	Approved 11 November 2009
130656	Application to remove personal permission (conditions 1 & 2) of F/2008/2353 (for the change of use for the siting of two mobile homes for residential use, and change of use of the existing store room for use as day room for residential purposes).	Approved 14 April 2014
142431	Application for a variation to condition 3 of appeal decision 2102058 (Planning application reference F/2008/2353) to read (to allow no more than 4 residential	Approved 10 August 2015

	caravans to be stationed on site at any time).	
153012	Application for discharge of conditions 3, 5, 7, 9, 10 & 11 of consent VAR/2014/1945	Approved 30 September 2016

CONSULTATION RESPONSES		
Royal Berkshire Fire and Rescue		No comments received
South East Water		No comments received
WBC Biodiversity		No objection
WBC Growth and Delivery (Planning Policy)		No objection subject to conditions
WBC Drainage		No comments received
WBC Environmental Health		No objection
WBC Highways		No objection subject to conditions
WBC Tree & Landscape		No objection subject to conditions
WBC Cleaner & Greener (Waste Services)		No comments received

REPRESENTATIONS
<p>Finchampstead Parish Council: <i>"We object to this inappropriate overdevelopment of the site. The proposed development would cause issues with privacy for residents of the Dittons due to the close proximity of the static mobile homes.</i></p> <p><i>We believe WBC currently has adequate provisions for gypsy and traveller pitches.</i></p> <p><i>We understand the existing plans appear inaccurate, the layout of the existing pitches is incorrect and do not represent the current layout of the site.</i></p> <p><i>If the planning officer is minded to approve this we ask that conditions are added to ant approval. Siting of mobile home to be an acceptable distance from adjoining properties. Landscaping to offer satisfactory visual protection to existing properties. Light pollution, any street lights to be positioned and directed within the site."</i></p> <p>Local Members: Cllr Weeks has requested that the application is listed for Planning Committee due to local concerns regarding the loss of amenity, overdevelopment/density, accuracy of submitted plans and a lack of proven need, as WBC can currently demonstrate more than a 5 year land supply for gypsy and traveller sites.</p> <p>Neighbours: 11 objections have been received from the residents of neighbouring properties. These concerns are summarised as follows:</p> <ul style="list-style-type: none"> • Noise and light pollution increase • Odour pollution increase • Loss of additional trees and detrimental impact upon wildlife • Detrimental impact upon the privacy of the residents of the The Dittons • There is no need for additional development for traveller community given the current capacity and the size of the parish • The proposal would create 4 additional pitches and up to 8 additional caravan slots which would result in an overdevelopment of the site and would not respect the density character of the area • Lack of screening to the boundary with the Dittons

- Increase in traffic from additional pitches
- Detrimental impact on flora and fauna
- Concerns in relation to accuracy of the submitted plans
- The application site had previously been considered to not be acceptable for residential development until the existing development by the existing owner
- The proposal could have a detrimental impact upon the property value of surrounding dwellings
- Concerns over the location of the stables in such close proximity to a residential garden/property – mainly in relation to odour
- Concerns over further loss of woodland and the failure to adequately mitigate for this, including planting of high conifer trees to the shared boundary

APPLICANTS POINTS

- The proposed development would make efficient use of an appropriately and sustainably located site
- The development would provision a valuable contribution to the borough's need for additional pitches, within an established Gypsy and Traveller site, without adverse effect on the character and appearance of the local area

PLANNING POLICY

National Policy	NPPF	National Planning Policy Framework
	PPTS	Planning Policy for Traveller Sites (2015)
Adopted Core Strategy DPD 2010	CP1	Sustainable Development
	CP2	Inclusive Communities
	CP3	General Principles for Development
	CP4	Infrastructure Requirements
	CP6	Managing Travel Demand
	CP7	Biodiversity
	CP8	Thames Basin Heaths Special Protection Area
	CP9	Scale and Location of Development Proposals
	CP11	Proposals outside development limits (including countryside)
Adopted Managing Development Delivery Local Plan 2014	CC01	Presumption in Favour of Sustainable Development
	CC02	Development Limits
	CC03	Green Infrastructure, Trees and Landscaping
	CC04	Sustainable Design and Construction
	CC06	Noise
	CC07	Parking
	CC09	Development and Flood Risk (from all sources)

	CC10	Sustainable Drainage
	TB10	Traveller Sites
	TB21	Landscape Character
	TB23	Biodiversity and Development
Supplementary Planning Documents (SPD)	BDG	Borough Design Guide – Section 4
	GTAA	Gypsy and Traveller Accommodation Assessment

PLANNING ISSUES

Description of Development:

1. The application site lies to the south of Nine Mile Ride and is located to the rear of the dwellings which front onto Nine Mile Ride. The site is within the ownership of No.166 Nine Mile Ride and is located to the eastern side of this dwelling. A residential cul-de-sac, The Dittons, is located to the south of the application site, with the rear boundary to gardens on Finchampstead Road and vegetation located to the east.
2. The application site is located within designated countryside in policy terms, however it is located immediately adjacent to the Modest Development Location of Finchampstead to the north and east. The application site consists of 4 lawful traveller pitches, two amenity blocks and a stable. The application site is accessed via a shared driveway with No. 166 Nine Mile Ride.
3. The proposal is for the creation of 4 additional pitches to be created within the boundary of the existing 4 pitch site, thus creating a cumulative total of 8 pitches with an existing. Each pitch is proposed to accommodate a static mobile home, touring caravan day room, storage shed outbuilding and amenity space. The proposal would fall within the confines of the existing site, whilst the existing access and hardstanding are to be utilised for this proposal.

Principle of Development:

4. The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan (MDD) Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.
5. The National Planning Policy Framework (NPPF) forms a material consideration with a presumption in favour of sustainable development. The supporting document entitled Planning Policy for Traveller Sites (PPTS) (2015) sets out guidance to ensure fair and equal treatment for gypsies and travellers and also requires due regard for the protection of local amenity and the local environment. These documents state that new traveller site development in the open countryside away from existing settlements should be restricted and that sites in rural areas should respect the scale of, and not dominate, the nearest settled community as well as avoiding placing undue pressure on local infrastructure (paragraph 25 of PPTS).

6. Policy H of the PPTS sets out that when determining planning applications for traveller sites, LPA should consider the following issues amongst others, relevant matters when determining applications for traveller sites.
 - a. The existing level of local provision and need for sites;
 - b. The availability (or lack) of alternative accommodation for applicants;
 - c. Other personal circumstances of the applicant/occupants;
 - d. Locally specific criteria; and,
 - e. Authorities should determine applications for sites from any travellers and not just those with local connections’.
7. Local Provision and Need for sites: The Planning Policy for Traveller Sites (PPTS) requires local planning authorities to ensure they have a supply of specific deliverable sites sufficient to provide 5 years’ worth of pitches/plots against assessed need. The council’s most recent Gypsy and Traveller Accommodation Assessment is that which was updated and published in September 2017 (2017 GTAA). The study dealt with both the overall cultural need for pitches as well as the need based on the revised planning definition contained within the PPTS. It is clear from PPTS paragraph 9 that locally set targets should be based on the Gypsies and Travellers that meet the definition contained in PPTS Annex 1 of that document.
8. The 2017 GTAA identifies a need for 90 net pitches between 2017/18 and 2035/36 of which 26 pitches represents the need based on the PPTS definition. In the period 2020/21 – 2024/25, the current five year period, there is an identified need for 6.5 pitches against the PPTS definition. To this, over supply of 1 pitch from the years 2017/18 – 2019/20 is subtracted giving a total need for 5.5 pitches for the five year period.
9. The council has proactively approved permissions for a number of pitches in recent years. At 31st March 2020 there were unimplemented permissions for a total of 10 pitches (173365; 180072; 192012; and 192174). Together this supply of pitches equates to a supply of 9.09 years at 31st March 2020, exceeding the requirement of the PPTS. Notwithstanding the five year land supply position, all applications should be assessed on their merits. Any permitted additional pitches will help towards meeting the council’s statutory duty to provide accommodation for Gypsies and Travellers and provide greater flexibility and certainty of future supply.
10. For clarity, the Local Planning Authority issued a Planning Contravention Notice prior to the application being considered by committee. This was to ensure that the current occupants of the site met the definition of gypsies and travellers and that the site was being occupied in accordance with the extant planning permission. The response confirmed this was the case and therefore no issue is raised with regard to the existing use of the site.
11. Alternative Sites: No alternatives sites have been put forward by the applicant but the Council is not aware of any other better alternatives that could accommodate an increase of 4 pitches.
12. Personal Circumstances: The applicant has not put forward personal circumstances and therefore no weight is applied to this aspect.

13. Locally specific criteria: Policy CP11 of the Core Strategy relates to proposals outside development limits designed to protect the separate identity of settlements and maintain the quality of the environment. The current application site is located outside of development limits and therefore is subject to this policy. However it should be noted that the use of the site is established and the proposal would intensify rather than change this use. As such, greater weight is applied to this aspect. Policy CP2 of the Core Strategy supports proposals that address the requirements of 'the specific identified needs of minority groups in the borough, including Gypsies, Travellers and Travelling Show people' and therefore the application accords with this policy.
14. MDD Policy TB10 is a PPTS compliant policy which states that planning permission may be granted for new Gypsy and Traveller pitches or extensions to existing sites where a number of criteria are satisfied. Part a) and b) of TB10 outlines that "the site is located in the Borough's existing settlements or is adjacent to an existing settlement either within or adjacent to the Borough" and "avoids impacting on the separate identity of settlements". In this regard the application site is immediately adjacent to the Modest Development Location of Finchampstead to the north, east and south-east. In relation to potential impacts on the separate identity of settlements, given that the application site is a brownfield existing traveller/gypsy site is not considered that it would create a coalescence between two separate settlements.
15. Parts C-H of Policy TB10 relates to access to services, environmental barriers to development, impact on character, amenity of neighbouring land uses and impact on the SPA. Subject to the assessment carried out below the application accords with the various aspects of this policy. It should also be noted that Paragraph 26 of Policy H of the PPTS states that LPA's should attach weight to the *effective use of previously developed (brownfield)* when considering applications for traveller/gypsy sites.
16. Any permitted additional pitches will help towards meeting the Council's statutory duty to provide accommodation for cultural Gypsies and Travellers and provide greater flexibility and certainty of future supply. In this regard, it adheres broadly to principles of Policy CP2 of the Core Strategy, TB10 of the MDD Local Plan and the PPTS which provides specific policy guidance for gypsy/traveller sites in that the site makes effective use of previously developed land within the existing envelope of the site immediately adjacent to the settlement boundary of a modest development location.

Character of the Area:

17. Policy CP1 of the Core Strategy states that planning permission will be granted for development proposals that 'maintain or enhance the high quality of the environment'. Policy CP3 of the Core Strategy states planning permission will be granted if development is 'of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design' and contributes 'to a sense of place in the buildings and spaces themselves and in the way they integrate with their surroundings, including the use of appropriate landscaping'.
18. The proposal would create 4 additional pitches to be created within the boundary of the existing 4 pitch site, thus creating a cumulative total of 8 pitches with an existing stable block to be re-sited to the south-west corner of the application site. Each pitch is proposed to accommodate a static mobile home, touring caravan day room, storage shed outbuilding and amenity space. The proposal would fall within the confines of the existing site, whilst the existing access and hardstanding are to be utilised for this proposal.

19. The proposal is to provide for individual landscaping to each pitch and the retention of existing landscaping features. Given that the application site is located to the rear of dwellings which front onto Nine Mile Ride and to the rear/side of properties to the Dittons, it is a negligible feature within the streetscene. This coupled with the augmented landscaping results in very minor impacts from public viewpoints. As such, and as the four additional pitches would be evenly spaced with all structures remaining single-storey, it is not considered that the proposal would have a detrimental impact upon the application site itself, nor the character of the surrounding area. Thus, the proposal is considered to adhere to Policy CP1 and CP3.

Residential Amenities:

20. Policy CP3 of the Core Strategy aims to protect neighbouring amenity. Policy CC06 of the MDD seeks to ensure that proposals must demonstrate how they have addressed noise impacts to protect noise sensitive receptors. Policy TB10 of the MDD Local Plan outlines that Planning permission may be granted for new gypsy and traveller pitches or extensions to existing sites where it can be demonstrated that the proposals will not result in an unacceptable loss of amenity of neighbouring land uses.

21. The proposal would see the re-configuration of the application site and the creation of four additional pitches. The proposed pitches/static caravans which are located in the most sensitive location in relation to potential impacts upon the amenity of neighbouring properties are No's 2-7 along the eastern/south-eastern boundary. These pitches are located in close proximity to the rear boundaries of properties and in particular No's 8 and 9 the Dittons. In relation to No. 8 The Dittons, the closest pitch/static unit (no.6 on submitted plans) is set-off the boundary by 2.5m and a separation of 5.5m from the dwelling. In relation to No. 9 The Dittons, the closest pitch/static unit (no.6 on submitted plans) is set-off the boundary by 2m and a separation of 7.5m from the dwelling itself. It is also noted that there is existing vegetation to the boundary and this shall be retained by way of condition.

22. Given the separation distances, the single-storey height of the built form and the screening proposed to the boundary it is considered that the proposal would not have an unacceptable impact upon residential amenity in terms of a loss of sunlight/daylight/privacy or overbearing impact.

23. It is noted that a number of objectors have expressed concerns in relation to potential noise increase as a result of the expansion of the number of pitches. However, WBC Environmental Health Officers have reviewed the proposal and they have not raised any concerns in relation to noise. Thus, the proposal is considered to adhere to Policy CP3 of the Core Strategy and Policies CC06 and TB10 of the MDD.

Access and Movement:

24. Core Strategy Policies CP1, Sustainable Development and CP6, Managing Travel Demand seek to manage travel demand by a variety of measures. New development to be located to minimise the need to travel and where there are (or will be at the time of development) a choice of modes of transport available. It should also improve the existing infrastructure network, mitigate adverse impacts on the network, enhance road safety and avoid highway or traffic related environmental problems.

25. The existing access and driveway to the application site from the southern side of Nine Mile Ride is to be retained and utilised for this proposed development. The

existing hardstanding is to be retained, linking the driveway to each individual pitch. It is outlined in the submitted Planning, Design and Access Statement that the parking will be provided upon the hardstanding, and not within each individual pitch.

26. WBC Highways Officers reviewed the original information and requested further details relating to the width of the access, parking/turning and cycle parking. Additional information was submitted in the form of revised layout outlining parking/turning details and cycle details. The Highways Officer has reviewed this and subsequently does not raise any objection to the application, subject to conditions.

Flooding and Drainage:

27. In accordance with the sequential approach established by the NPPF, Core Strategy Policy CP1 and MDDL Policies CC09 and CC10 establish that new development should avoid increasing and where possible reduce flood risk (from all sources) by first developing in areas with lowest flood risk (Flood Zone 1). Policy CC10 of the MDD Local Plan requires sustainable drainage methods and the minimisation of surface water flow. Part D of Policy TB10 of the MDD Local Plan outlines that for traveller/gypsy applications no significant barriers to development exists in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installations where conventional housing would not be suitable.

28. The application site is located within Flood Zone 1, thus being located in area of the lowest flood risk. The proposed rainwater soakaways are to be constructed in accordance with BRE Digest 365 to show compliance with Regulation 4, Schedule 1, Part H3 (Rainwater Drainage). Thus, the proposal is considered to adhere to Policy CP1 of the Core Strategy and Policies CC09, CC10 and TB10 of the MDD Local Plan.

Landscape and Trees:

29. Policy CC03 of the MDD Local Plan aims to protect green infrastructure networks, promote linkages between public open space and the countryside, retain existing trees and establish appropriate landscaping and Policy TB21 requires consideration of the landscape character. Part E of Policy TB10 of the MDD Local Plan states that unacceptable impacts on the character and appearance of the surrounding landscape will be minimised through the sensitive and appropriate design of the scheme in relation to applications for traveller/gypsy pitches.

30. The site is located at the rear of 168-176 Nine Mile Ride and adjacent to 166 Nine Mile Ride. The site is currently occupied as a Gypsy and Traveller Site where there are currently 4 pitches – the proposals are for a further 4 pitches doubling the provision.

31. The site is located in the countryside and is included in TPO 582/1993 - W1 which includes Scots Pine, Rowan, Birch and Oak. WBC Landscape and Tree Officers have reviewed the proposal and noted that existing trees on the site are shown illustratively on Drawing No. 'Site layout as Proposed' - 501 Rev. E. In order to ensure that the site be redeveloped without harm to these trees an Arboricultural Implications Assessment is considered necessary by condition.

32. The 'Site Layout as Proposed' 501 Rev. E includes areas of planting around the proposed pitches and the species mix and trees proposed. WBC Landscape and Tree Officers have suggested that the Planting Specification be changed to read as follows;

New hedge planting to contain 20% Hawthorn, 20%Blackthorn, 20% Rowan, 20% Beech, 20% Oak. Plant in a double staggered row 450cm apart at 45cm centres.

Interspersed with trees; Birch (Betula pendula) and Lime (Tilia 'Winter Orange') – Sycamore will grow very big and have a dense canopy whilst Birch will have a lighter canopy and Lime will have winter interest and only reach 8m at maturity. The trees should be planted at 10-15m centres to ensure at maturity there are gaps between the canopies to avoid shading. I have included Rowan and Oak in the hedge mix as these are found within the TPO.

33. It has been requested by WBC Landscape and Tree Officers that the planting information is updated and submitted as part of a Landscape Condition. This should include the size and the numbers of plants required, that all plants should be protected with guards until established and then removed (or use biodegradable guards) and trees should be double staked and tied – and these removed once trees are established. Thus, subject to conditions there are no concerns from a landscape and tree perspective, with the proposal adhering to Policy CC03 and TB10 of the MDD Local Plan and Policy TB21 of the Core Strategy.

Environmental Health:

34. Core Strategy policy CP1 requires development to avoid areas where pollution may impact upon amenity. Part D of Policy TB10 of the MDD Local Plan states that no significant barriers to development exists in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installations where conventional housing would not be suitable with regard to applications for gypsy/traveller pitches.

35. WBC Environmental Health Officers have reviewed the proposal and they have no concerns in relation to contaminated land or air/odour pollution, thus, the proposal adheres to Policy CP1 of the Core Strategy and Policy TB10 of the MDD Local Plan.

Ecology:

36. Policy TB23 of the MDD Local Plan requires the incorporation of new biodiversity features, buffers between habitats and species of importance and integration with the wider green infrastructure network.

37. The application site comprises of an area of hardstanding surrounded by hedgerow and adjacent to woodland. The site is currently used to pitch four caravans and it is proposed to increase this to eight pitches and to reconfigure existing layout. WBC Ecology have reviewed the proposal and have identified that the main habitat to be affected is hardstanding, which is of low ecological value. The existing hedges and trees are to be retained and the proposed site plan shows the new native hedges will be planted around the pitches. Thus, WBC Ecology Officers have confirmed that there are no objections on ecological grounds.

Community Infrastructure Levy (CIL), Special Protection Area (SPA) & Affordable Housing:

38. *Community Infrastructure Levy:*

As per policy CP4 of the Core Strategy, proposals should provide appropriate arrangements for the provision of infrastructure. This requirement is covered by the

Community Infrastructure Levy however the submitted form indicates that no new build floor space in excess of 100sqm would be created. As such, the proposal does not meet the trigger required to comply with policy CP4.

39. Special Protection Area and Appropriate Assessment:

Policy CP8 of the Core Strategy states that where development is likely to have an effect on the TBH SPA, it is required to demonstrate that adequate measures to avoid and mitigate any potential adverse effects are delivered. Part H of Policy TB10 of the MDD Local Plan outlines that proposed development for gypsy/traveller pitches should avoid any adverse impacts on the Special Protection Area.

The proposed development involves four additional traveller/gypsy pitches within 5km of the TBH SPA. Policy CP8 states that where there is a net increase in dwellings within 5km of the SPA, contributions to access management measures and monitoring in line with the Delivery Framework will be required. The nature of the development does not negate the need to satisfy Policy CP8.

The development would be within a 3.8km linear distance of the Thames Basin Heath SPA which was designated in 2005 because of its internationally important populations of Dartford Warbler, Woodlark and Nightjar. Additional recreational pressure from residents of new housing development, such as dog walking, could lead to disturbance of birds. The combined effects of numerous residential developments on the SPA are likely to be significant if no mitigation is in place.

An avoidance strategy has been developed with Natural England to prevent disturbance of the SPA. A key component of the strategy is the provision of SANG. A further element of mitigation is a contribution to the Strategic Access Management and Monitoring (SAMM) which is being implemented within the SPA.

In relation to the application site, SANG would be provided by a portion of an existing SANG known as Rooks West Wood. The Wood would be approximately a 25-minute walk from the application site which would not be a significant distance for recreational users, including dog-walkers. The SANG would also be easily accessible by car. Having regard to the above, the development, either alone or in combination with other plans or projects, is not likely to have a significant effect on the integrity of the SPA. The SANG together with a contribution towards SAMM would be secured by the s106.

40. Affordable Housing:

Policy CP5 of the Core Strategy, Policy TB05 of the MDD Local Plan and the Affordable Housing SPD specify an affordable housing rate of 40% % for any development involving five dwellings or more or where it is located on land with a total area of 0.16 hectares or more outside of any defined settlement boundary. The application plot is 627sqm and is for 4 additional pitched for gypsy/traveller accommodation. As such, there is no requirement for affordable housing in this instance.

The Public Sector Equality Duty (Equality Act 2010)

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and

maternity, race, religion or belief. The impact on relevant characteristics have been identified above and no others are believe to be affected.

CONCLUSION

The application for the proposed addition of four pitches to an existing four pitch caravan park for gypsy and travellers, plus reconfiguration of existing site will help towards meeting the Council's statutory duty to provide accommodation for cultural Gypsies and Travellers and provide greater flexibility and certainty of future supply. In this regard whilst there may be conflict with Policy CP11 of the Core Strategy, it adheres to principles of Policy CP2 of the Core Strategy, TB10 of the MDD Local Plan and the PPTS which provides specific policy guidance for gypsy/traveller sites in that the site makes effective use of previously developed land within the existing envelope of the site immediately adjacent to the settlement boundary of a modest development location. It has also been demonstrated that the development would not have a detrimental impact upon the amenity of neighbouring occupiers, upon highway safety, upon ecology, environmental considerations, upon trees and landscape and upon the Thames Basin Heath SPA (subject to completion of S106). It is therefore recommended that this application is approved.

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