

HIGHWAYS

Proof of Evidence

Town and Country Planning Act 1990
Section 78 appeal against the refusal of planning permission

Witness: Christopher Carr MTCP CMILT

Subject of Evidence: Highways (LPA) Proof of Evidence

Appeal: APP/W0340/W/24/3356688

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

Proposal: Part retrospective. Change of use of land for the formation of 5 Gypsy/Traveller pitches comprising of 1 mobile home, 1 touring caravan, and 1 utility building per pitch.

Date: April 2025

Council Reference: 23/00815/FUL



Proof of Evidence

Name: Christopher Carr

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1. Summary

- 1.1 The planning appeal concerns the refusal of permission for the part-retrospective establishment of five gypsy/traveller pitches in Hermitage. The proposal includes a mobile home, a touring caravan, and a utility building per pitch, but was rejected primarily on highway safety grounds. The refusal cites the unauthorised vehicle access onto the B4009, inadequate visibility splays in both directions, and the absence of a pedestrian footway linking the site to Hermitage, which poses risks to road safety.
- 1.2 The appeal site is located adjacent to the B4009 and is currently a linear grass field. The existing access arrangements have been scrutinised due to visibility concerns, especially given the transition from a 30mph zone to the national speed limit just north of the site. The Local Highway Authority (LHA) initially objected to the application due to insufficient details but later recommended approval after the applicant submitted additional traffic data and plans addressing visibility splays.
- 1.3 LHA raised no objections at the application stage but, the planning committee upheld concerns about visibility constraints, particularly to the north of the site, where an existing speed gateway obstructs sightlines. Additionally, the proposed footway provision was found to be insufficient, with the submitted design featuring a 1m width instead of the required 1.5m in line with Inclusive Mobility guidance. The document acknowledges that addressing these concerns would require adjustments to the speed gateway and footway width.
- 1.4 Recommendations include several highway-related conditions should the appeal be allowed, such as the implementation of visibility improvements, electric vehicle charging points, cycle storage, and the relocation of the speed gateway. Additionally, conditions relating to access construction, surfacing, and footway provision aim to mitigate concerns surrounding road safety and pedestrian accessibility.
- 1.5 While the LHA's conditions provide a framework for improved safety, the planning appeal hinges on resolving outstanding highway concerns. The relocation of the speed gateway and footway amendments remain unapproved, meaning the refusal remains justified unless these issues are comprehensively addressed in an updated proposal.

2. Introduction

Qualifications and Experience

- 2.1 My name is Chris Carr, and I work for WSP as an Associate Director based in Basingstoke. I graduated from the University of Manchester with a Masters in Town and Country Planning in 2006 and I have over 19 years of experience in Highways Development Management and attended three planning appeals giving expert witness duties on highway matters. I am a Chartered Member of the Chartered Institute of Logistics and Transport and a Member of the Transport Planning Society.
- 2.2 I have not been part of the determination of the planning application, coming into the proposal at the stage of appeal feeding into the Statement of Case and Statement of Common Ground.
- 2.3 I confirm that the evidence which I have prepared and provided for this appeal is true to the best of my knowledge. I confirm that the opinions expressed are my true and professional opinions.

Purpose and Scope of Evidence

- 2.4 This Proof of Evidence has been prepared in respect of an appeal lodged against the Council's reasons for refusal against planning application 23/00815/FUL for the part-retrospective change of use of land for the formation of five gypsy / traveller pitches comprising of one mobile home, one touring caravan, and one utility building per pitch.
- 2.5 The planning application was presented to West Berkshire District Council on 24th October 2024. This scope covers refusal reason 3 and issue 2 from the post CMC note.
- 2.6 This proof of evidence covers:
- Overview of the Appeal Site and Proposal
 - Relevant Planning Policy relating to highway matters

- Considerations of the Issues
- Conclusion
- Recommendation Conditions and Informatives

Reasons for Refusal

2.7 Relevant to this proof of evidence, the application was refused on highway grounds for the following reason:

1. *The development proposed presently has an unauthorised vehicle access on to the B4009. The current forward visibility splays in both directions [north and south] are inadequate for the identified traffic speeds along the highway. In addition there is no footway /pedestrian link to the south of the application site linking the accommodation to the village of Hermitage and its facilities. This all leads to potential conditions of road danger and a threat to highways safety, so being contrary to policy CS13 in the WBCS of 2006 to 2026 and the advice in para 110[b] of the NPPF of 2023 and the advice in the PPTS. It is accordingly not acceptable.*

3. Issue

Appeal Site and Proposal

- 3.1 The appeal site is located adjacent to the eastern side of the B4009, just to the north of Hermitage. The site is currently a linear grass field and is bordered by existing vegetation to the north and east and a residential dwelling to the south.
- 3.2 The B4009, within the immediate vicinity of the site access, is subject to a 30mph speed limit. This increases to the national speed limit approximately 20m to the north of the site access.
- 3.3 It is proposed that the site access would remain as existing from the southwestern corner of the site.

Relevant Planning Policy

3.4 Within the West Berkshire Council Core Strategy (2006-2026, CD8.3), there are the following relevant policies:

Policy CS 13 Transport

Development that generates a transport impact will be required to: -

- *Reduce the need to travel.*
- *Improve and promote opportunities for healthy and safe travel.*
- *Improve travel choice and facilitate sustainable travel particularly within, between and to main urban areas and rural service centres.*
- *Demonstrate good access to key services and facilities.*
- *Minimise the impact of all forms of travel on the environment and help tackle climate change.*
- *Mitigate the impact on the local transport network and the strategic road network.*
- *Take into account the West Berkshire Freight Route Network (FRN).*
- *Prepare Transport Assessments/Statements and Travel Plans to support planning proposals in accordance with national guidance.*

**Development proposals may not need to fulfil each bullet point. The supporting text below clarifies the types and scale of development which will be required to meet the specific parts of this policy. The explanation of the policy is detailed in the Core Strategy document.*

Policy CS 7 Gypsies, Travellers and Travelling Showpeople

3.5 In determining planning applications certain criteria needs to be followed which under point 1 of the policy identifies 'Safe and easy access to major roads and public transport services'

3.6 West Berkshire, Housing Site Allocations DPD 2006-2026 (CD 8.5) has several relevant planning policies with regards to appropriate access, access to services and the impact on the local road network which are relevant to this development proposal:

Policy TS 3 Detailed Planning Considerations for Traveller Sites

3.7 Proposals will consider:

- *Incorporate appropriate vehicle access and turning space...*
- *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...*
- *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...*

NPPF (December 2024) CD8.1

Paragraph 115 (a) and (b) states that planning policies should: -

3.8 Paragraph 115 refers to requirements for developments, specifically relevant to this site is paragraphs a) and b) which are as follows:

a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

3.9 Furthermore, Paragraph 116 on the grounds for refusal are also relevant:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios

Considerations of the Issues

3.10 West Berkshire Council refused planning permission on 24th October 2024 due to an unauthorised vehicle access onto the B4009, inadequate visibility distances being

achieved to the north and south of the proposed site access and the lack of a footway / pedestrian link to the south of the application site.

- 3.11 The Local Highway Authority (LHA) originally objected to the application in May 2023 due to insufficient information relating to vehicular and pedestrian access. However, additional information was submitted by the applicant's transport consultant Motion and the LHA subsequently recommended approval subject to conditions.

Site access Arrangements

- 3.12 In July 2024, the applicant submitted a highways technical note (dated 12th September 2023) which contained details of the proposed access arrangements.

- 3.13 The LHA reviewed the submitted information including the results of an ATC survey (located to the north of the site access) and calculated visibility splays. The ATC survey showed an 85th percentile northbound speed of 36.2mph and 37.6mph in the southbound direction. The required visibility splays were therefore 2.4m x 104m to the north and 2.4m x 64m to the south (where the splay extends to the B4009 / Manor Lane / Pinewood Crescent roundabout junction). The LHA considered the visibility splays acceptable, and these are shown on drawing 2305055-01 at CD 4.3.

- 3.14 With regards to visibility, the condition put forward by the LHA stated:

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

- 3.15 Although the LHA approved the proposed access arrangements, this was overruled at planning committee. To achieve the required visibility splay to the south of the access, existing vegetation would need to be removed, therefore the condition above was submitted.

- 3.16 Similarly, the removal of vegetation to the north of the site access would also be required. However, drawing 2305055-01 does not show the existing speed gateway located to the north of the site access on the eastern verge. This was therefore not identified as a visibility constraint by the LHA.
- 3.17 The photographs below were taken on 8th April 2025 and show the visibility to the north of the site access. The photograph was taken at 2.4m back from the site access on to the B4009 This demonstrates that with the vegetation in the current location, visibility splays to the north are not achievable, as per the planning committee decision. Furthermore, you can see on the other side of the road the speed gateway which is approximately 20 metres to the north on the B4009 and whilst blocked by the vegetation on the east side the gateway would provide a visibility constraint if the vegetation was cleared.



Footway Provision

- 3.18 The additional plans submitted included drawing J004472-DD-07-revA showing the provision of a 1m wide footway link to the south of the access joining the existing footway to the south. This plan is CD1.30. It should be noted that this drawing was uploaded to

the Council's planning portal on 21st October 2024. In the meantime, on the 14th October 2024, the LHA had already submitted their recommendation and conditions.

3.19 With regards to footway provision, the condition put forward by the LHA stated: -

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

The LHA requirement for a 1.5m wide footway is the minimum acceptable width as outlined within Inclusive Mobility guidance. Therefore, the 1m wide footway proposed is contrary to Inclusive Mobility guidance. As drawing J004472-DD-07-revA was submitted after the LHA had put forward their recommendation, the provision of an insufficient footway had not been identified.

Conclusions

3.20 The Local Highway Authority raised no objection at the application stage but when questioned by members at committee it recognised that a significant restriction to visibility to the north of the site access was not previously identified. The existing location of the speed gateway to the north of the site access results in visibility splays not being achievable. To address this concern, an updated plan could be submitted for LHA approval showing the relocation of the speed gateway to a suitable location and visibility splays. The relocation of the speed gateway would need to be relocated to a location that would need to be agreed with the LHA. It would need to be supported by a traffic regulation order to extend the 30 mph limit northwards to any agreed location of the gateway. This has not been agreed so far, and therefore the reason for refusal would still stand.

3.21 With regards to the proposed footway provision, as previously mentioned, a plan showing a 1m wide footway was submitted after the LHA had put forward their recommendation. As reflected by the LHA planning condition and Inclusive Mobility guidance, a footway with a 1.5m width would be required. To address this concern, an updated plan could be submitted for LHA approval showing the provision of 1.5m wide footway

Recommendation Conditions and Informatives

3.22 If the planning inspector is minded to allow the appeal the following conditions are recommended:

1. Electric Charging Point (details to be submitted)

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

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

2. Footway/cycleway provision (details required)

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

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

3. Set back of gates (YHA14)

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

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

4. Surfacing of access (YHA15)

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

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

5. Visibility splays before occupation (YHA20)

The use shall not commence until the visibility splays at the access have been provided in accordance with drawing number 2305055-01 dated October 31st 2024. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.

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

6. Vehicle parking provided to standards (YHA23)

No development shall take place until details of the vehicle parking and turning space/areas have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the vehicle parking and turning spaces/areas have been provided in accordance with the approved details. The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

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

7. Access construction before development (details required)

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

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

8. Cycle storage (YHA41)

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

Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework,

Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

9. Relocation of speed gateway

No development shall take place until details of the proposed location of the speed gateway feature on the B4009 north of the site have been submitted to and approved in writing by the Local Planning Authority. The relocation of the feature along with the associated traffic regulation order shall be funded by the developer by an appropriate license or legal agreement. The process for relocation shall commence within one month of consent.

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

3.23 The following informative are also sought:

1. Access construction – for the works to the accesses

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

2. Damage to footways, cycleways and verges

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

3. Damage to the carriageway

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

4. Incidental works affecting the highway

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

5. Official Postal Address

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