

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

16 August 2017

Item: 3

Application No.: 17/00895/FULL

Location: Alexandra Gardens Barry Avenue Windsor SL4 5JA

Proposal: Construction of ice rink and attractions from 30th October to January 21st 2018

Applicant: Mr Coleman

Agent: Not Applicable

Parish/Ward: Windsor Unparished/Castle Without Ward

If you have a question about this report, please contact: Josh McLean on 01628 685693 or at josh.mclean@rbwm.gov.uk

1. SUMMARY

- 1.1 The application seeks planning permission for the temporary use of Alexandra Gardens to host visitor/tourist attractions for the Christmas Period of 2017/18. The attractions include an ice rink and children and adult attractions. The proposed use of the park is for a temporary period only between 17th November 2017 and 7th January 2018. The rink and attraction would be assembled from 30th October 2017 and cleared by 21st January 2018.
- 1.2 The development would be visible from the adjacent Conservation Area, however, the use would only be there for a temporary period, and the proposed attractions are considered to be low in height and so it is not considered the development would cause harm on the Conservation Area. In addition, as the proposal would only be for a temporary period only (total of 11/12 weeks), it is not considered to result in the loss of an important open space.
- 1.3 The proposal is acceptable on highways grounds and Environmental Protection has not raised any objections. While the site is situated in Flood Zone 2, it is for a temporary use and does not involve any permanent construction.

It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended as the Council has an interest in the land.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 Alexandra Gardens is a rectangular area of open space designated as Important Open land in the Local Plan, but is not designated as a registered Historic Park or Garden. The gardens run in an east to west direction between Goswell Road to the east and Barry Avenue and the railway line to the west. The gardens provide an area of open space between Barry Avenue and the River Thames to the north and the coach park/car to the south. Barry Avenue is lined with mature trees and provides short stay on-street car parking. The gardens were likely to have been laid out in the late nineteenth century and comprise large lawned areas which are intersected with a number of paved walkways.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application proposes the temporary use of the east side of Alexandra Gardens for visitors/tourism attractions, including a marquee, an ice skating rink, and other rides/attractions for children and adults. The attractions would be open for use between 17th November 2017 and 7th January 2018. The rink and attraction would be assembled from 30th October 2017 and cleared by 21st January 2018.
- 4.2 It is sought to slightly extend the occupied use of the site beyond the trees adjacent to the proposed location of the marquee. The number of attractions would also be increased to 8 in total. The majority of the proposed attractions would be contained within the original part of the site, with two smaller attraction positioned on the other side of the tree.

Ref.	Description	Decision and Date
16/01788/FULL	Construction of ice rink and attractions from November to January	Approved 22.07.2016
15/01800/FULL	Erection of an Ice Rink with family funfair attractions for a temporary period for use by public over Christmas period from November 2015 until January 2016	Approved 21.08.2015
15/00092/FULL	Bandstand with surrounding paving	Approved 03.03.2015
14/04074/FULL	Erection of a transportable amusement ride (sky swing) with kiosk/ catering area for a temporary period.	Refused 05.03.2015
14/02390/FULL	Erection of an Ice Rink with family funfair attractions for a temporary period to be constructed from the 13th November 2014 in use between the 26th November 2014 through to 7th January 2015 and dismantled from site by 14th January 2015	Approved 10.10.2014
12/00875/FULL	Erection of an observation/ferris wheel with associated equipment and facilities for a temporary period to be constructed from the 11 May 2012 in use between the 18th May 2012 through to 15th July 2012 and dismantled and removed from site by 20th July 2012	Approved 25.05.2012
11/00128/FULL	Erection of an observation/ferris wheel with associated equipment and facilities for a temporary period to be constructed from the 4th April 2011 in use between the 9th April 2011 to 30th October 2011 and dismantled and removed from site by 4th November 2011.	Approved 17.03.2011
10/00009/FULL	Erection of an observation/ferris wheel with associated equipment and facilities for a temporary period to be constructed from the 15th March 2010 in use between the 27th March 2010 to 31st October 2010 and dismantled and removed from site by 6th November 2010.	Approved 18.02.2010
08/03102/FULL	Erection of an observation/ferris wheel with associated	Approved

	equipment and facilities for a temporary period from 2nd April 2009 to 1st November 2009 and dismantled and removed from site by 8th November 2009	23.02.2009
08/00279/TEMP	Erection of a 52m high observation/ferris wheel with associated equipment and facilities for a temporary period 17th June to 7th November 2008	Approved 11.06.2008
07/02201/VAR	Variation of Condition 1 (discontinuation) of permission 07/00074 to allow The Wheel to operate until 9th November 2007	Approved 08.10.2007
07/00074/TEMP	Erection of a 55 metre high observation/ ferris wheel with associated equipment and facilities for a temporary period of 16 weeks	Approved 01.03.2007
06/00705/TEMP	Erection of a 55 metre high observation/ferris wheel with associated equipment and facilities for a temporary period of 12 weeks	Approved 26.05.2006

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections:

Paragraph 129 – Development affecting the setting of a Heritage Assets

Royal Borough Local Plan

5.2 The main strategic planning considerations applying to the site and the associated policies are:

Within settlement area	Flood Risk	Setting of the Conservation Area Setting of Listed Building	Highways and Parking	Visitor facilities
DG1, NAP3, R1, N2	F1	CA2	P4, T5	TM4

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Acceptable impact on River Thames corridor	SP4
Visitor Development	VT1
Impact on setting of Conservation Area	HE1
Manages flood risk and waterways	NR1
Makes suitable provision for infrastructure	IF1
Open Space	IF4

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Proposed Submission Document was published in June 2017. Public consultation runs from 30 June to 26 August 2017 with the intention to submit the Plan to the Planning Inspectorate in October 2017. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy – view at:

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The impact on the character and appearance of the Conservation Area and Setting of Windsor Castle;
- ii Impact on Important Urban Open Space;
- iii The impact on the living conditions of occupiers of nearby residents;
- iv The impact on the area liable to flood;
- v Highway safety, including car parking.

The impact on the character and appearance of the Conservation Area

- 6.2 Alexandra Gardens is identified as important urban open land and is situated adjacent to (but not within) the Windsor Town Centre Conservation Area. The use of Alexandra Gardens for visitors/tourism attractions, including an ice skating rink, and other rides/attractions would be visible from the Conservation Area. However, the use would only be there for a temporary period, and the proposed attractions are considered to be low in height and so it is not considered the development would have an adverse impact or harm on the Conservation Area. In previous years, the proposal has been limited to ensure that the height of the attractions does not exceed 6 metres in height. However, proposed attraction 7 when fully extended would have a total height of 6.25 metres. While this would conflict with the previous consents given, it is considered that the overall increase of 0.25 metres and the positioning of this attraction which would be at the furthest away point on the site, is not considered to have a harmful impact on the setting of the setting of Windsor

Castle (Listed) the Conservation Area. All other attractions would sit below 6 metres in height.

Impact on Important Urban Open Space

- 6.3 Policy R1 of the Local Plan seeks to protect important urban open land, however, the use of the park for this attraction is for a temporary period only and the land would be returned to its original state when the structures are removed. In addition, the scheme is likely to provide additional benefits to the local economy and town centre. Whilst this scheme would not be acceptable on a permanent basis, on balance the scheme on a temporary basis is considered to be acceptable.

Tourism

- 6.4 Policy TM4 of the local plan encourages purpose built facilities in the town centre subject to such facilities being sympathetic to the other objectives in the plan. Whilst Alexandra Gardens is outside the town centre, given its close proximity, there could be some benefits to the town centre. The applicant has submitted a report on last years (2016) event which states that they employed 25 local staff and saw an increase on school trips and online booking. Overall the proposal is considered to provide a unique event which will provide economic and employment benefits for the local area.

The impact on the living conditions of occupiers of nearby residents

- 6.5 There are no immediate residential properties neighbouring Alexandra Gardens that would be significantly adversely impacted by the development.

The impact on the area liable to flood

- 6.6 Alexandra Gardens is situated in flood zone 2 (medium risk flooding). Given that this application is for a less vulnerable use (in accordance with National Planning Policy), is for a temporary period, and does not entail any permanent construction, the number of people or properties being subject to flood risk is considered to be low, and the application is considered to be in compliance with Policy F1 of the Local Plan. The Flood Risk Assessment submitted outlines these points.

Highway safety, including car parking

- 6.7 It is not considered that the scheme would result in significant additional traffic which would place an unacceptable pressure on parking.

Other Material Considerations

- 6.8 The letter of representations raises concern over the damage to the condition of the grass in the Gardens when these attractions are dismantled. Within the previous applications, it has been advised that it was not ideal to lay the grass in the winter period. It is advised by the applicant that the aim is to have the gardens back to their original conditions in time for the Easter break.

Planning Balance

- 6.9 Notwithstanding that the proposal is located on an important urban open space, the fact that the proposal is being sought for a temporary period during the Christmas period and taking into account the associated spin-off benefits to the local economy and town centre, the scheme is considered to be acceptable on a temporary basis.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

14 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 15th June 2017

1 letter was received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	Decimate the view of the castle and of the gardens for at least 6 months of the year	6.8
2.	Cause unnecessary disruption and noise in this quiet area	6.5
3.	Damage to gardens	6.8

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No objections – a high-level assessment has been undertaken and has not identified any fundamental issues relating to permitting regulations with proximity to a main river.	6.6
Environmental Protection	No objection	6.5
Highways	No objections	6.7

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

- 1 The development shall not be commenced until Monday 30 October 2017 and the structures and equipment shall cease operation by Sunday 7 January 2018. The structures and equipment shall be removed by the 21st January 2018 . The land shall be restored to its former condition by the 30 April 2018.
Reason: The proposal does not constitute a form of development that the Local Planning Authority would normally permit. However, in view of the particular circumstances of this application temporary planning permission is granted. Relevant saved policies - Local Plan DG1, CA2 and F1, LB2.
- 2 This temporary use of the land hereby permitted shall only operate between the

hours of 10:00 hours and 21:00 hours.Reason: To protect the amenities of nearby residents. Relevant saved policies - NAP3.

- 3 The height of the structures/ equipment permitted under this temporary use shall not exceed 6.25 metres in height (measured from ground level).
Reason: In order to safeguard the views of Windsor castle, and views into and out of the Conservation Area. Policy CA2
- 4 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.