

WINDSOR AND ASCOT DEVELOPMENT MANAGEMENT COMMITTEE

WEDNESDAY, 7TH SEPTEMBER, 2022

At 7.00 pm

In the

GREY ROOM - YORK HOUSE, ON [RBWM YOUTUBE](#)

SUPPLEMENTARY AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
6.	<p><u>22/00897/OUT - LAND FRONTING NORTH BANK OF THAMES AND ACCESSED BETWEEN 66 AND 68 WRAYSBURY ROAD STAINES</u></p> <p>PROPOSAL: Outline application for a river boat slipway and drydock, (including small workshop / store, office and staff welfare facility, all raised 1500mm above the ground level) with all matters reserved.</p> <p>RECOMMENDATION: Refuse</p> <p>APPLICANT: Mr French</p> <p>MEMBER CALL-IN: N/A</p> <p>EXPIRY DATE: 12 July 2022</p>	3 - 8

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD PANEL UPDATE

Application No.:	22/00897/OUT
Location:	Land Fronting North Bank of Thames And Accessed Between 66 And 68 Wraysbury Road Staines
Proposal:	Outline application for a river boat slipway and drydock, (including small workshop / store, office and staff welfare facility, all raised 1500mm above the ground level) with all matters reserved.
Applicant:	Mr French
Agent:	Mr Ian Benbow
Parish/Ward:	Wraysbury Parish/Datchet Horton And Wraysbury
If you have a question about this report, please contact: Briony Franklin on 01628 796007 or at briony.franklin@rbwm.gov.uk	

1. SUMMARY

- 1.1 Three additional letters of support and one additional letter of objection has been received.
- 1.2 The agent has provided information regarding the closure of the EA’s dry dock facilities at Sunbury (in Surrey) and Osney (near Oxford).
- 1.3 The applicant has commented on the planning officer’s email sent on the 26th August and the Committee report.
- 1.4 The Environmental Agency (EA) have raised objection to the scheme on three grounds; 1) flood risk, 2) biodiversity, and 3) hydropower scheme impact.
- 1.5 The recommendation to refuse the application remains, however reason 2 (Ecology) has been amended to reflect the EA comments, and additional reasons (4 and 5) are recommended in line with EA comments.

2 Comments from Consultee

Comment	Officer response	Change to recommendation?
<p>Environment Agency: (summary)</p> <p>Three objections to the application relating to the topics of flood risk, biodiversity and the two potential hydropower schemes (set out in the DAS).</p> <p>Objection 1 – Flood Risk The submitted FRA does not comply with the requirements for site-specific flood risk assessment and</p>		Yes – additional reason for refusal

<p>therefore does not adequately assess the flood risks posed by the development.</p> <p>Objection 2 – Biodiversity The submitted planning application and associated documents indicate that bank reinforcement and a significant loss of riparian semi-natural habitat within the riparian zone of the River Thames will be required as part of the proposed development. An ecological assessment is required to assess how the proposal will affect species and habitats</p> <p>Objection 3 – Proposed Hydropower Schemes The applicant has given limited details and no assessment of the impacts and associated risks for the two different proposals of the River Turbine Electrical Generator. The impact of the proposed development in relation to nature conservation, fisheries, navigation, flows, structures, integrity of the river and its banks and flood risk therefore cannot be determined.</p>		<p>(reason 4)</p> <p>Yes – reason for refusal 2 updated to reflect EA comments on biodiversity</p> <p>Yes – additional reason for refusal (reason 5)</p>
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2.1 Comments from Interested Parties

Three additional letters of support have been received, one from the operator of Private Boat Hire Ltd operating charter boats from Maidenhead and Windsor, one from John Redmond, the former Navigation Manager and Harbourmaster of the Non-tidal Thames between 1991 and 2005 and chairman of Thames Clippers (2010-2014) and one from the River Thames Society

The comments are summarised as follows:

Comment	Officer response	Change to recommendation ?
<p>Difficulty finding anywhere to take large boats out of water for statutory MCA inspections.</p> <p>EA no longer seem able to operate any of their facilities.</p> <p>New facility on the non-tidal Thames is long overdue – will enable river-based businesses to continue, provide employment and recreation opportunities.</p> <p>Most boatyards are under threat or already lost to residential development. Makes a change for someone to be investing in much needed infrastructure.</p> <p>Slow decline of boatyard facilities and services over many years.</p> <p>Encouraging that private enterprise is prepared to take the risk of opening a new facility in a most appropriate location.</p>	<p>The points raised have been covered in the main report –paragraphs 10.53-10.59. The LPA recognises the need for the facility. The need for the development is afforded moderate weight as a benefit in paragraph 10.55 of the main report.</p>	<p>No</p>

<p>Without this sort of facility, the future of the River and its businesses, which bring much income, jobs and tourist trade must be in doubt.</p> <p>Application is important to the future of the River Thames and its place as an International Landmark, part of our National Heritage and a significant Local Asset.</p> <p>There is no overarching body that looks at the River strategically to identify shortcomings or excesses of facilities and services.</p> <p>A dry dock is essential for the non tidal Thames and this proposal is more important now that the EA are closing their 2 dry docks.</p>		
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An additional letter of objection has been received from a local resident stating that the closure of the EA dry dock sites offers an opportunity for the applicant to take over those sites rather than operate from a new site.

2.2 Further comments from agent

Comments	Officer response	Change to recommendation?
<p>The EA has recently announced the closure of their dry dock facilities at Sunbury and Osney (near Oxford) on safety and cost grounds.</p> <p>The unexpected news makes the need and demand for a brand-new state of the art boat inspection facility on the Upper River Thames even more vital and important.</p> <p>The EA should advise on the Navigational and Operational implications that this will have on the Upper Thames.</p>	<p>The LPA recognises the need for the facility and the need for the development is afforded moderate weight in paragraph 10.55 of the main report.</p>	<p>No</p>

2.3 Further comments from applicant

Comment	Officer response	Change to recommendation?
<p>In the absence of comments from the EA Members cannot have a clear and concise view of all the issues.</p>	<p>The EA comments have now been received and</p>	<p>The EA objection will inform the reasons for refusal</p>

<p>Cannot see how application can proceed without the EA comments and we will need time to comment on the EA comments.</p> <p>Green Belt –Site should not be designated as Green Belt. The partial development of the site cannot be considered as an encroachment on the openness of the countryside. Site lies within an area of urban and industrial development</p> <p>Very Special Circumstances – we do not accept the view that very special circumstances have not been demonstrated. A strong case has been presented and demonstrates wide ranging benefits. The EA has accepted that a boatyard is a suitable development in the floodplain. The closure of the Sunbury drydock and Osney facility will increase pressure on river users and make approving this development more essential.</p> <p>Ecological Site Value – full details of ecological and environmental enhancements including a riverbank protection scheme and rewilding of the site would form part of a reserved matters application.</p> <p>Arboriculture Report – the initial report is adequate to determine this outline application. The development has been sited to avoid the need to fell any trees. A detailed tree survey and tree protection plan will be submitted as part of the reserved matters application.</p> <p>Site Meeting – a site meeting should be arranged for all panel members so they may have a clear view of the site.</p> <p><u>Additional Comments</u></p> <p>Arboriculture</p> <p>The trees on the site are referred to in the report as Ancient Woodland. There is no mention of the trees being Ancient Woodland in the TPO documentation. The remedial work to the trees on the site is essential.</p> <p>If any trees are found to be dangerous or diseased and remedial action is required a replanting programme will be carried out.</p> <p>Fly Tipping</p> <p>The statement that there is no evidence of fly tipping is incorrect and misleading. Other residual items from drug use and alcohol consumption have also been removed from the site.</p> <p>Environmental Protection</p> <p>We are well placed to understand the risks and liabilities of pollution and are upset that there is cause to question our integrity and experience in this field.</p>	<p>objections are raised to the proposal.</p> <p>The points raised have been covered in the main report under section 10.</p> <p>Photographs of the site are included in the presentation.</p> <p>Points raised are covered in section 10 iv of the report</p> <p>The report states that fly tipping is not a major problem.</p> <p>The Environmental Protection Team has raised no objection subject to</p>	<p>(see section 3 below)</p>
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3. RECOMMENDATION

It is recommended that the Committee refuses planning permission for the following reasons

1. The application site lies within the designated Green Belt. The proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. Furthermore, the proposal would result in harm to the openness of the Green Belt and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'. No Very Special Circumstances have been demonstrated that clearly outweigh the harm and any other harm. The proposal is therefore contrary to adopted policy QP5 of the Borough Local Plan (adopted February 2022) and paragraphs 147, 148 and 149 of the National Planning Policy Framework (2021).
2. It has not been adequately demonstrated how the proposal would conserve and enhance the ecological value of the site and surroundings and therefore the impacts from the proposed development on nature conservation, ecology and physical habits are unknown. The proposal is contrary to policy NP/OE2 in the Horton and Wraysbury Neighbourhood Plan, policies QP4 and NR2 set out in the Borough Local Plan (adopted February 2022) and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF).
3. In the absence of a detailed Arboriculture Report, Tree Constraints Plan and Tree Protection plan it has not been possible for the Local planning Authority to fully assess the potential arboriculture related issues arising from the proposal. The scheme is therefore contrary to the aims of policies QP3 and NR2 of the Borough Local Plan (adopted February 2022).
4. The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 22 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. The proposal is therefore contrary to Policy NR1 of the Royal Borough of Windsor and Maidenhead's Local Plan (adopted February 2022) and paragraph 167 of the National Planning Policy Framework (NPPF).
5. The applicant has given limited details and no assessment of the impacts and associated risks for the two different proposals of the River Turbine Electrical Generator. The impact of the proposed development in relation to nature conservation, fisheries, navigation, flows, structures, integrity of the river and its banks and flood risk therefore cannot be determined. The application is therefore contrary to paragraphs 167, 174, 180 of the National Planning Policy Framework (NPPF) and policies NR1 and NR2 of the Borough Local Plan (adopted February 2022).

