

NOTICE  
OF  
MEETING



# WINDSOR URBAN DEVELOPMENT CONTROL PANEL

will meet on

**WEDNESDAY, 3RD FEBRUARY, 2016**

**At 7.00 pm**

in the

**WINDSOR RACECOURSE, MAIDENHEAD RD, WINDSOR, WEST BERKSHIRE SL4 5JJ,**

TO: MEMBERS OF THE WINDSOR URBAN DEVELOPMENT CONTROL PANEL

COUNCILLORS PHILLIP BICKNELL (CHAIRMAN), MALCOLM ALEXANDER (VICE-CHAIRMAN), MICHAEL AIREY, JOHN BOWDEN, JOHN COLLINS, GARY MUIR, SAMANTHA RAYNER AND SHAMSUL SHELIM

SUBSTITUTE MEMBERS

COUNCILLORS NATASHA AIREY, HASHIM BHATTI, JESSE GREY, NICOLA PRYER, EILEEN QUICK, JACK RANKIN, WESLEY RICHARDS AND EDWARD WILSON

Karen Shepherd - Democratic Services Manager - Issued: Date Not Specified

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at [www.rbwm.gov.uk](http://www.rbwm.gov.uk) or contact the Panel Administrator **Wendy Binmore** 01628 796251

**Fire Alarm** - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts and do not re-enter the building until told to do so by a member of staff.

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## AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u>  To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u>  To receive any declarations of interest.	3 - 4
3.	<u>MINUTES</u>  To confirm the minutes of the previous meeting.	5 - 10
4.	<u>PLANNING APPLICATIONS (DECISION)</u>  To consider the Head of Planning & Property/Development Control Manager's report on planning applications received.  Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module by selecting the following link. <a href="http://www.rbwm.gov.uk/web/dc_public_apps.htm">http://www.rbwm.gov.uk/web/dc_public_apps.htm</a> or from Democratic Services on 01628 796310 or <a href="mailto:democratic.services@rbwm.gov.uk">democratic.services@rbwm.gov.uk</a>  <b>Please Note: Application Ref: 15/03789 – 94-94a Dedworth Road, Windsor has been WITHDRAWN from the agenda.</b>	11 - 176
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u>  To consider the Essential Monitoring reports.	177 - 178

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

In accordance with the requirements of the Local Government (Access to Information) Act

1985, each item on this report includes a list of Background Papers that have been relied

on to a material extent in the formulation of the report and recommendation.

The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper,

although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as

“Comments Awaited”.

The list will not include published documents such as the Town and Country Planning Acts

and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance,

as the instructions, advice and policies contained within these documents are common to

the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading “Remarks”.

## **STATEMENT OF THE HUMAN RIGHTS ACT 1998**

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect

for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act will not be referred to in the Officer's report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

## MEMBERS' GUIDANCE NOTE

### DECLARING INTERESTS IN MEETINGS

#### **DISCLOSABLE PECUNIARY INTERESTS (DPIs)**

DPIs include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any license to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where
  - a) that body has a piece of business or land in the area of the relevant authority, and
  - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

#### **PREJUDICIAL INTERESTS**

This is an interest which a reasonable fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs your ability to judge the public interest. That is, your decision making is influenced by your interest that you are not able to impartially consider only relevant issues.

#### **DECLARING INTERESTS**

If you have not disclosed your interest in the register, you **must make** the declaration of interest at the beginning of the meeting, or as soon as you are aware that you have a DPI or Prejudicial Interest. If you have already disclosed the interest in your Register of Interests you are still required to disclose this in the meeting if it relates to the matter being discussed. A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' has been taken to mean a discussion by the members of the committee or other body determining the issue. You should notify Democratic Services before the meeting of your intention to speak. In order to avoid any accusations of taking part in the discussion or vote, you must move to the public area, having made your representations.

If you have any queries then you should obtain advice from the Legal or Democratic Services Officer before participating in the meeting.

If the interest declared has not been entered on to your Register of Interests, you must notify the Monitoring Officer in writing within the next 28 days following the meeting.

# Agenda Item 3

## WINDSOR URBAN DEVELOPMENT CONTROL PANEL

WEDNESDAY, 6 JANUARY 2016

**PRESENT:** Councillors Phillip Bicknell (Chairman), Malcolm Alexander (Vice-Chairman), Michael Airey, John Bowden, John Collins, Jesse Grey, Gary Muir and Shamsul Shelim

Also in attendance: Councillors Jack Rankin and Derek Wilson.

Officers: Wendy Binmore, Melvin Andrews, Sarah.L.Smith, Jenifer Jackson and Matthew Tucker

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Samantha Rayner.

### DECLARATIONS OF INTEREST

**Cllr Alexander** – Declared a personal interest in item 15/03742 as the S106 money from the development will go to The Windsor Boys School where his grandson attends. He had attended Panel with an open mind.

**Cllr Bicknell** – Declared a prejudicial interest in item 15/03742 as he is a member of the Royal Berkshire Fire and Rescue Service Board and is the Chairman of the budget steering group. He stated he would not take part in the discussion or the vote and would leave the room in the interests of transparency.

**Cllr Bowden** – Declared a personal interest in items 15/03704 and 15/03742 as he lived nearby to the developments. He had attended Panel with an open mind.

**Cllr Grey** – Declared a personal interest in item 15/03438 as he personally knew the applicant. He stated he knew most people in Datchet and they knew him. He had attended Panel with an open mind.

**Cllr Muir** – Declared a personal interest in item 15/03438 as he personally knew the applicant. He stated he knew most people in Datchet and they knew him. He had attended Panel with an open mind.

**Cllr Shelim** – Declared a personal interest in items 15/02656 and 15/03704 as he had a business in the local vicinity; his fellow ward Councillor had called item 15/03704 in to Panel but he had not discussed the application with him. Councillor Shelim also declared a personal interest in item 15/03742 as the S106 money from the development was going to The Windsor Boys School where his son attended. He had attended Panel with an open mind.

### MINUTES

**RESOLVED UNANIMOUSLY:** That the minutes of the meeting of the Windsor Urban Development Control Panel held on 9 December 2015 be approved subject to the following amendments:

**Add the names of Councillors Jack Rankin and Derek Wilson to show as in attendance and add Councillor Jack Rankin as a speaker on item 15/03161 as he made representations to Panel.**

## PLANNING APPLICATIONS (DECISION)

### **PLANNING APPLICATIONS (WRDC 9/15)**

The Panel considered the Head of Planning's report on planning applications received and received updates in relation to a number of applications, following the publication of the agenda.

NB: \*Updates were received in relation to planning applications marked with an asterisk.

<u>Application</u>	<u>Applicant and Proposed Development</u>
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15/02004*	<p>Legoland Windsor Park Ltd: Erection of a 61 bedroom themed hotel extension with covered link walkway, restaurant extension to the existing Legoland Windsor Hotel with associated landscaping and alterations to the existing SUDs scheme, following demolition of existing Dino Safari ride and toilet block at Hotel Legoland, Windsor Resort, Winkfield Road, Ascot, Windsor SL4 4AY – <b>THE PANEL VOTED UNANIMOUSLY that: the application be APPROVED upon the expiry of the advertisement of the application as a departure on the 14 January 2016 and no new material issues being raised, it is recommended the application is referred to the Secretary of State and subject to it not being called-in for determination that the Panel authorises the Borough Planning Manager to grant planning permission on the satisfactory completion of an undertaking to secure a site wide Travel Plan with the conditions listed in Section 10 of the Main Report and the amended conditions listed at the end of the Panel Update Report as listed below:</b></p>
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1. No development shall take place, except for the demolition of the existing structures, until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details. Reason: In the interests of the visual amenities of the area. Relevant Policies – Local Plan DG1.
2. No development shall take place, except for the demolition of the existing structures, until samples and/or a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme and retained thereafter. Reason: In the interests of the visual amenities of the area. Relevant Policies Local Plan DG1.
7. Prior to the construction of the hotel development, except for the demolition of the existing structures, details of detailed ecological enhancement proposals for the hotel and its grounds, and a timescale for their implementation shall be

submitted to and approved in writing by the Local Planning Authority. Thereafter the proposals shall be implemented in accordance with the approved details and retained thereafter. Reason: In the interests of the ecological enhancement of the site.

14. Prior to the commencement of development, except for the demolition of the existing structures, full details of the Drainage System(s) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be constructed and thereafter maintained in accordance with the approved details. These details shall include: Full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels and drawing as necessary; Full details of the proposed overland flow routes that will be provided through the proposed development to ensure the existing overland flow routes and maintained and surface water flood risk is not increased; Full details of the proposed level changes and confirmation that these changes will not impact on the existing overland flow routes; and, Full details of the maintenance arrangements for the development, covering every aspect of the proposed drainage system. Reason: To ensure that a satisfactory drainage system is provided.

(The Panel were addressed by Vivienne Allen in objection and Ingrid Fernandes (NPL Planning) in favour of the application).

- 15/02656 SG Managements: Demolition of the existing services club and construction of the proposed development of 6 x 3 storey town houses and a new services club as approved under planning permission 13/00832 without complying with conditions 12 (construction management plan) condition 16 (protection of trees) and condition 17 (landscaping) so that the conditions may be discharged after the commencement of works at Former Ex Services Club, 107 St Leonards Road, Windsor SL4 3BZ – **THE PANEL VOTED UNANIMOUSLY that: the application be APPROVED and the Panel authorises the Borough Planning Manager to grant planning permission with the conditions listed in Section 10 of the Main Report.**

(The Panel were addressed by Mr Kingswood in objection and Arthur Lo the agent in support of the application).

- 15/01567 Mr Loveridge: Storage, repair and recycling of pallets (retrospective) as approved under planning permission 12/00830 without complying with condition 2 (storage and repair of pallets) to increase storage height to 4m at Land to Rear of 250 to 284 Horton Road, Datchet, Slough – **THE PANEL VOTED UNANIMOUSLY that: the application be DEFERRED for a site visit and also so that officers can advise the Panel why the 2m height limit was originally imposed – was the volume of pallets and impacts on intensification of use considered when imposing the height limitation?**

(The Panel were addressed by Alyson Edward in objection and Fiona Jones the agent in support of the application).

15/03704 Mr Thomson – Apollo Home Ent. Ltd: Installation of front door to double fronted shop at Castle PC, 63 St Leonards Road, Windsor, SL4 3BX – **THE PANEL VOTED That: the application be APPROVED against the recommendations of the Director of Development and Regeneration and for the reasons as listed below:**

- **Justification: the economic damage to the high street has been increased since the refusal of the previous application as the shop has remained closed. The proposal would help a successful high street and would be a public benefit that outweighs the less than substantial harm to the high street. This is considered to be a material change since the last application.**

(The Panel were addressed by Councillor Jack Rankin and John Andrews the agent in support of the application ).

**Six Councillors voted in favour of the motion (Cllrs M. Airey, Bowden, Grey, Muir, Shelim and Bicknell), and one Councillor voted against the motion (Cllr Alexander). One Councillor was unable to vote as he had not taken part in the whole discussion (Cllr Collins).**

15/03742\* The Royal Berks Fire and Rescue Service and Vanderbilt Homes: Erection of 5 x 4 bedroom town houses, a block of 9 x 2 bedroom apartments with access, parking, landscaping and associated works, following demolition of existing fire station as approved under planning permission 15/01889/FULL without complying with condition 26 (Approved Plans) to substitute approved plan 5236-103C with 5236-103D at Royal Berkshire Fire and Rescue Service, Windsor Fire Station, St Marks Road, Windsor SL4 3BE – **THE PANEL VOTED That: the application be APPROVED and the Panel authorises the Borough Planning Manager to grant planning permission on the satisfactory completion of Deed of Variation (S106 Agreement) to secure the infrastructure in Section 7 of the Main Report and with the conditions listed in Section 10 of the Main Report.**

(James Burns in objection and Mark Carter the agent in support of the application).

**Five Councillors voted in favour of the motion (Cllrs M. Airey, Alexander, Collins, Grey, and Muir), and one Councillor voted against the motion (Cllr Shelim). Councillor Bicknell did not take part in the discussion or the vote and left the room.**



Details of the Appeal Decision Report and Planning Appeals Received were noted.

The meeting, which began at 7.00 pm, finished at 9.18 pm

CHAIRMAN.....

DATE.....

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# Agenda Item 4

## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

### Windsor Urban Panel

3rd February 2016

#### INDEX

APP = Approval  
CLU = Certificate of Lawful Use  
DD = Defer and Delegate  
DLA = Defer Legal Agreement  
PERM = Permit  
PNR = Prior Approval Not Required  
REF = Refusal  
WA = Would Have Approved  
WR = Would Have Refused

**Item No.** 1      **Application No.** 15/03789/FULL      **Recommendation** REF      **Page No.** 13  
**Location:** 94 - 94A Dedworth Road Windsor  
**Proposal:** Change of use from B1 to D1 including place of Worship  
**Applicant:** Mr Mohamed - WMA      **Member Call-in:** Cllr Edward Wilson      **Expiry Date:** 2 February 2016

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**Item No.** 2      **Application No.** 15/02786/FULL      **Recommendation** PERM      **Page No.** 21  
**Location:** 47 - 49 High Street Eton Windsor SL4 6BL  
**Proposal:** Conversion and extension to form 2 commercial units at ground floor and formation of 5 residential units. Internal & external changes to building and associated landscaping, public space and demolition works  
**Applicant:** Rainier Developments Ltd      **Member Call-in:**      **Expiry Date:** 17 February 2016

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**Item No.** 3      **Application No.** 15/02886/VAR      **Recommendation** PERM      **Page No.** 42  
**Location:** Land At Riding Court Farm Riding Court Road Datchet Slough  
**Proposal:** Extraction of sand and gravel at Riding Court Farm, erection of mineral processing and ready-mixed concrete plants and associated infrastructure, creation of new access onto Riding Court Road and restoration of the site by the importation of inert restoration material for a period of 12 years as approved under planning permission 13/01667 without complying with condition 18 (export import tonnage) to re-word the condition.  
**Applicant:** Cemex UK Operations Ltd      **Member Call-in:**      **Expiry Date:** 22 February 2016

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**Item No.** 4      **Application No.** 15/03147/FULL      **Recommendation** PERM      **Page No.** 119  
**Location:** 18 - 19 Thames Street Windsor SL4 1PL

**Proposal:** Conversion of premises to provide 6 x residential apartments to include single storey extension, reconfiguration of car parking with new landscaping provision and internal and external alterations

**Applicant:** Latham Properties Limited      **Member Call-in:** Not applicable      **Expiry Date:** 11 November 2015

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**Item No.** 4      **Application No.** 15/03148/LBC      **Recommendation** PERM      **Page No.** 119

**Location:** 18 - 19 Thames Street Windsor SL4 1PL

**Proposal:** Consent for conversion of premises to provide 6 x residential apartments to include single storey extension and internal and external alterations.

**Applicant:** Latham Properties Limited      **Member Call-in:** Cllr John Bowden      **Expiry Date:** 6 November 2015

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**Item No.** 5      **Application No.** 15/03326/FULL      **Recommendation** PERM      **Page No.** 139

**Location:** Tingdene Racecourse Caravan Park Windsor Maidenhead Road Windsor SL4 5HT

**Proposal:** Redevelopment of holiday park to provide for the siting of 39 caravan lodges.

**Applicant:** Tingdene Parks Limited      **Member Call-in:**      **Expiry Date:** 27 November 2015

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**Item No.** 6      **Application No.** 15/03438/VAR      **Recommendation** REF      **Page No.** 150

**Location:** Land To Rear of 250 To 284 Horton Road Datchet Slough

**Proposal:** Storage, repair and recycling of pallets (retrospective) as approved under planning permission 12/00830 without complying with condition 2 (storage and repair of pallets) to increase storage height to 4m.

**Applicant:** Mr Loveridge      **Member Call-in:**      **Expiry Date:** 7 January 2016

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**Item No.** 7      **Application No.** 15/03454/FULL      **Recommendation** PERM      **Page No.** 160

**Location:** Queens Schools Eton College South Meadow Lane Eton Windsor SL4 6EW

**Proposal:** Refurbishment of existing buildings, remodelling of front courtyard, new single storey chemistry pavilion to the rear and new roof pavilion, plus associated landscaping works

**Applicant:** Eton College      **Member Call-in:** Not applicable      **Expiry Date:** 25 December 2015

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**Planning Appeals Received**

**Page No.** 177

**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD  
PLANNING COMMITTEE**

**WINDSOR URBAN DEVELOPMENT CONTROL PANEL**

3 February 2016

Item: 1

<b>Application No.:</b>	15/03789/FULL
<b>Location:</b>	94 - 94A Dedworth Road Windsor
<b>Proposal:</b>	Change of use from B1 to D1 including place of Worship
<b>Applicant:</b>	Mr Mohamed - WMA
<b>Agent:</b>	Mr Mushtaq Deshmukh - The Architects Co.
<b>Parish/Ward:</b>	Clewer North Ward

**If you have a question about this report, please contact:** Susan Sharman on 01628 685320 or at [susan.sharman@rbwm.gov.uk](mailto:susan.sharman@rbwm.gov.uk)

**1. SUMMARY**

- 1.1 Local Plan policies support, in principle, the provision of new community facilities such as the proposal. However, in this case, on the information available and because of the sites close proximity to residential properties, the proposal has the potential to harm the amenities of neighbours by reason of the noise and disturbance arising from the comings and goings of people using the facility. These are not matters that could be controlled by planning conditions.
- 1.2 In addition, there is a significant lack of on-site parking provision and very limited parking within the vicinity of the site, such that the majority of visitors arriving by car are likely to circumnavigate the area in search of parking and likely park on surroundings roads causing congestion that would be detrimental to the safety of other road users and pedestrians.

**It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):**

- |    |  |
|----|--|
| 1. | <b>Potential noise and disturbance would be harmful to the amenities of the neighbours, contrary to Policy CF3 of Local Plan and a Core Planning Principle of the NPPF.</b>                                |
| 2  | <b>Lack of on-site parking, leading to on-street parking and drivers circumnavigating the area in search of parking causing congestion detrimental to the safety of other roads users and pedestrians.</b> |

**2. REASON FOR PANEL DETERMINATION**

- At the request of Councillor E. Wilson for the reason that the application has attracted considerable comment from local residents and online petitions both for and against the application. The Panel will need to consider comments from officers in light of resident interest irrespective of the recommendations made.

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The application site is located on the north side of Dedworth Road close to the mini-roundabout at St. Andrews Avenue and the junction with Vale Road (B3025). The area has a busy, mixed character of residential and commercial units. Residential properties lie immediately to the north, east and west of the site with a parade of shops opposite to the south and south-east.
- 3.2 The application site is occupied by a two-storey property (previously a house) with a long, single storey rear addition that extends the full length of the plot. The first floor of the main building is a flat, while the ground floor and the rear extension were last used as an office (the previous business having vacated the property). An area of hard standing lies to the east (side) of the building and at the front.

#### 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
96/75260/FULL	Change of use of ground floor from Class A2 (Financial and Professional Services) to Class B1(a) (Offices).	Approved 07.03.97
06/02172/FULL	Single storey office extension to B1 premises following removal of container.	Approved 14.11.06
14/02781/CLASSJ	Change of use of B1 office building to 1 x 3 bed, 1 x 1 bed and 3 x studio flats and retention of existing first floor flat.	Prior approval required and granted 14.10.14

- 4.1 The application seeks planning permission for the change of use of the ground floor (circa 265sq.m) from B1 office use to D1 including a place of worship. In this case the applicant, Windsor Muslim Association (WMA), proposes to use the building as a community centre generally, including for after-school education, educational visits, as an exhibition centre, for interfaith group meetings, as a prayer facility for the Muslim community, as a food bank and small soup kitchen, as a social club for the elderly and for counselling purposes. It is understood that the WMA is currently located at the community centre in Hanover Way, but wishes to relocate to larger premises to meet the growing demand for its services.
- 4.2 The application form confirms that there will be 2 full-time and 2 part-time employees, that there are 15 car parking spaces plus 1 disabled parking space on site and that the hours of opening are unknown.

#### 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework, Sections 17, 69 and 70

##### Royal Borough Local Plan

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

	Employment	Community Facilities	Highways & Parking issues
Local Plan	E6	CF2, CF3	T5, P4

- 5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Sustainable Design and Construction
- Planning for an Ageing Population

More information on these documents can be found at:

[http://www.rbwm.gov.uk/web/pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm)

##### Other Local Strategies or Publications

- 5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy - view at:  
[http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)

#### 6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

- i Whether the principle of the proposed development is acceptable;

- ii The impact of the proposal on the character and appearance of the area;
- iii The impact of the proposal on the living conditions of neighbours;
- iv Parking provision and highway safety.

#### **Whether the principle of the proposed development is acceptable**

- 6.2 The proposal would involve the loss of B1 office space. The Local Plan, under Policy E6, advises that outside of identified employment areas, the Borough Council will generally support proposals for the redevelopment of sites in existing business use to alternative uses such as housing, recreation, social or community development. This is subject to the proposals having no unacceptable adverse impact on locally available employment opportunities and their compatibility with other policies in the Local Plan. As the application site is not within an identified employment area and would not adversely impact on locally available employment opportunities, there is no objection to the loss of the office space.
- 6.3 Policy CF2 of the Local Plan, in respect to the provision of new community facilities, states that the Borough Council will permit proposals for new community facilities which meet the needs of local residents provided that: 1) adequate access and car parking can be provided in accordance with the Council's adopted standards and, 2) adequate access and facilities are provided for people with disabilities. Policy CF3 states that proposals involving the change of use of residential property to a community facility will be permitted where: 1) it is essential that the facility is located within a residential area, and 2) the criteria in Policy CF2 are satisfied.
- 6.4 Accordingly, policies in the Local Plan support the principle of the proposed change of use, subject to compliance with other policies in the Local Plan.

#### **The impact of the proposal on the character and appearance of the area**

- 6.5 The site is located off a busy road facing an active shopping area and the proposal does not involve any external changes to the building on site. For these reasons it is not considered that the proposal would harm the character and appearance of the area.

#### **The impact of the proposal on the living conditions of neighbours**

- 6.6 The site abuts residential properties on three sides. The west elevation of the single storey rear part of the building forms the rear boundary to numbers 1 and 2 Vale Road, with the dwellings on these sites being set only a few metres back. 2a and 2b Vale Road are also in very close proximity to the application building and the rear garden of 92 Dedworth Road is immediately adjacent to the area of hardstanding (used for parking) on the east side of the building.
- 6.7 No information has been provided with the application in respect of hours of opening and numbers of people expected to attend the community centre. However, the applicant's existing website advises that it is fund raising for new premises due to its increasing number of activities and growing presence. It advises that it is currently renting premises but is unable to conduct most of its activities because of unavailability of bookings on an ad-hoc basis. The website advises that although the association is able to hold Friday Sermon, it is becoming increasingly uncomfortable to rush people due to running out of allocated rental time slot and hence they have to disperse the crowd. The WMA's website also shows that classes are run 7 days a week, including every evening with the exception of Friday, plus Friday Sermon and Prayer and functions such as weddings on Sunday evenings.
- 6.8 Policy CF3 of the Local Plan addresses the issues of providing community facilities within residential areas and states within paragraph 3.3.3 that the type of property suitable for such use would be detached and "well separated from its neighbours." Based on the information from the applicant's website it is considered that the proposal has the potential to lead to a material intensification of activity at the application site. Given the site's close proximity to neighbouring properties this increase in activity has the potential to harm the residential amenities in the neighbourhood. Although planning conditions could be imposed to restrict the hours of operation and the numbers of people attending the facility, given the current level of activities and

increasing demand for these it would not be appropriate to impose such conditions. Conditions could be imposed to reduce potential noise from activities at the site but these would not address potential noise and disturbance arising from the comings and goings of people attending the facility.

- 6.9 Overall it is considered that the proposal, by reason of its close proximity to residential properties together with the comings and goings of people using the proposed facility, would potentially lead to noise and disturbance that would be harmful to the living conditions of neighbours. As such, the proposal is contrary to Policy CF3 of the Local Plan and paragraph 17 (Core Planning Principle point 4) of the NPPF.

**Parking provision and highway safety**

- 6.10 The Highway Authority has advised that for a D1 use, the Local Planning Authority’s parking standard is 1 space per 10 sq.m, creating a demand for 27 car parking spaces. The site currently has 3 parking spaces at the front plus space for 7 cars to be parked in tandem along the side of the building adjacent to 92 Dedworth Road. 1 of these parking spaces would need to be provided for the existing first floor flat and 2 for members of staff. As such, only 7 parking spaces would be available for the community centre. Realistically however, given that most of these 7 parking spaces would be in tandem on a site with no turning space, it is likely that most visitors would attempt to drop off and /or park within close proximity to the site. However, parking within the vicinity of the site is very restricted.

- 6.11 Accordingly the Highway Authority has recommended that the application be refused on the grounds that the proposed development would result in an increase in the number of vehicle movements to and from the site generating a need for a lot of parking which cannot be provided on site. As the available parking in the local area is already limited the proposal would lead to vehicles circumnavigating the area in the search of an available parking space. This would be detrimental to road and pedestrian safety and the free flow of traffic along Dedworth Road and the surrounding road network. For these reasons the proposal is contrary to policies CF2, P4 and T5 of the Local Plan.

**7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS**

- 7.1 The proposed development being a replacement community facility would not place additional pressure on local services and infrastructure and, as such a financial contribution towards these is not sought.

**8. CONSULTATIONS CARRIED OUT**

**Comments from interested parties**

5 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 18.12.15.

151 letters were received supporting the application (of which 20 from RBWM residents, 69 from outside the Borough and 62 unknown).

A list of 224 names described as a petition of support has been submitted. This however does not include any signatures or postal addresses (only locations).

Summary of comments of support:

	Comment	Where in the report this is considered
1.	This will be an important and positive facility to the local community.	6.3
2.	The current WMA is limited, restrictive and curbs creativity.	Noted



3.	This facility will enrich the community and embrace diversity and would allow a deeper and advanced understanding and appreciation of other cultures and languages, and help build a more cohesive and stronger relationship in the community.	Noted
4.	Would secure the space WMA need.	Noted
5.	This will allow our children to practice their Islamic faith without having to travel greater distances.	Noted
6.	There has been an Islamic centre in Dedworth for many years but they are unable to continue in their current location. There is a large Muslim community in Windsor.	Noted
7.	The existing facility at Hanover Way is too expensive and not a long term solution. It also has to be shared with other users.	Noted
8.	Many attendees will walk to the site.	Noted
9.	A larger place is needed due to the growing demand.	Noted

233 letters were received objecting to the application, (of which 191 are from RBWM residents, 9 from outside the Borough and 33 unknown).

No petition objecting to the proposal has been submitted to the Planning Authority (or other department of the Council)

Summary of comments of objection:

Comment		Where in the report this is considered
1.	Insufficient parking provision will cause on-street parking and congestion and be a danger to other road users and pedestrians.	6.10, 6.11 It is noted that nearly all objectors raised this point.
2.	The access to the site is unsafe due to its proximity to nearby junctions and mini-roundabout.	Noted
3.	There is already a facility at Medina Dairies which causes problems with noise and congestion and is in breach of planning conditions.	Noted
4.	The site is unsuitable for the proposed use.	6.8, 6.9
5.	The existing building is too small.	Noted
6.	Noise levels will increase. Noise at unsociable hours. Call to prayer will be noisy.	6.8
7.	Loss of parking would have an adverse impact on the shops / detrimental to local businesses.	Noted
8.	Will lead to an increase in traffic which will increase pollution in the area.	Noted
9.	Will attract large numbers of people from outside of the local area.	Noted
10.	Will devalue property prices.	Not a planning matter.
11.	Lack of information with the application.	Noted
12.	Would rather see this converted to flats/ residential.	Noted
13.	Smells from soup kitchen – the building does not have appropriate	Noted

	facilities or ventilation.	
14.	There are already a number of mosques within a 5 mile radius of the site.	Noted
15.	Live animals may be slaughtered on site on special occasions.	Environmental Protection matter.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Highway Authority	Recommends refusal.	6.10, 6.11

### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Windsor and Eton Society	In full agreement with Highways Officer's report and recommendation	6.10, 6.11

## 9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – indicative layout drawings

This recommendation is made following careful consideration of all the issues raised through the application process. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

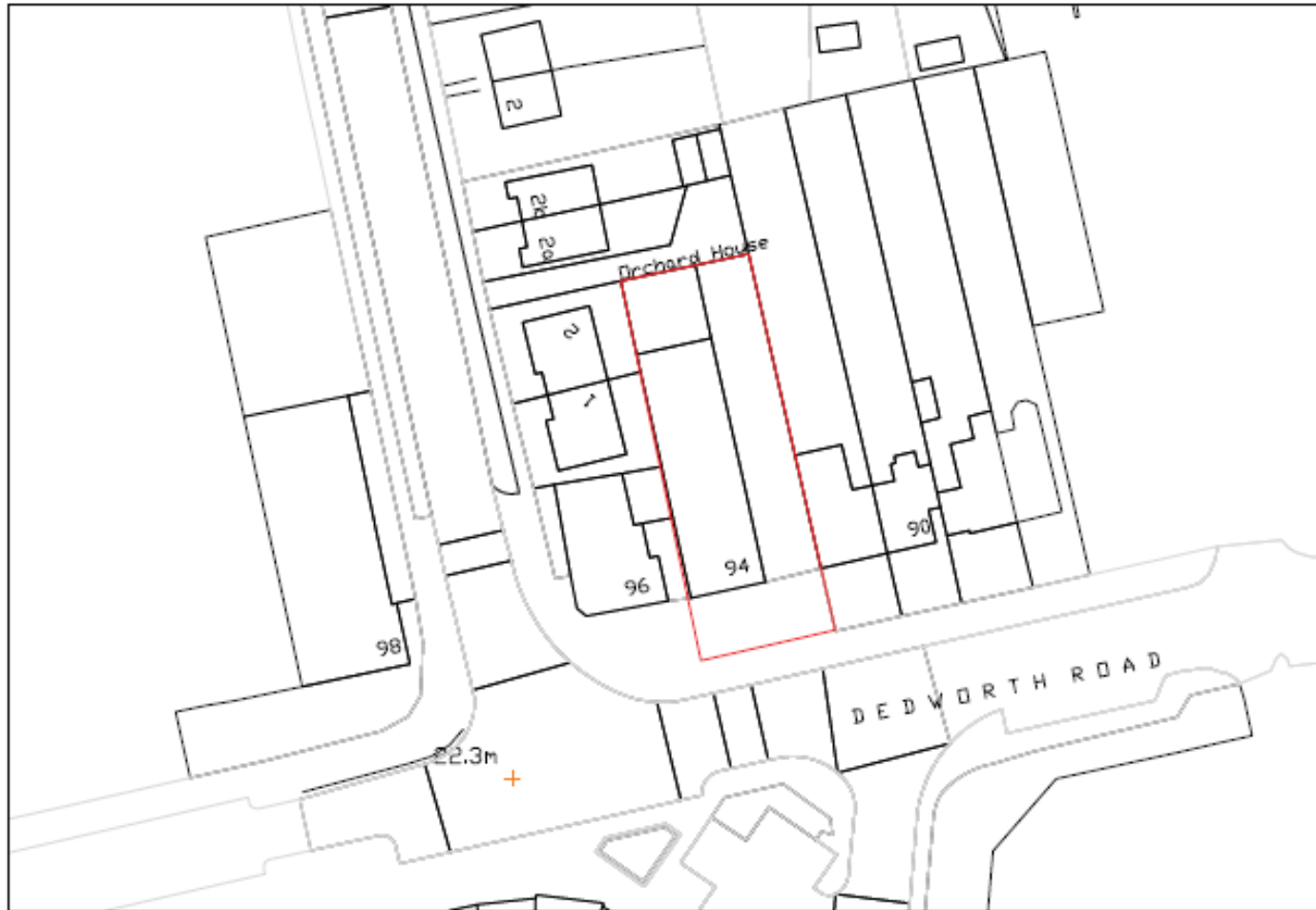
In this case the issues have not been successfully resolved.

## 10. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal, by reason of its close proximity to residential properties together with the comings and goings of people using the proposed facility, would potentially lead to noise and disturbance that would be harmful to the living conditions of neighbours. As such, the proposal is contrary to saved Policy CF3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and paragraph 17 (Core Planning Principle point 4) of the National Planning Policy Framework, March 2012.
- 2 The proposed development would result in an increase in the number of vehicle movements to and from the site generating a need for a lot of parking which cannot be provided on site. As the available parking in the local area is already limited the proposal would lead to vehicles circumnavigating the area in the search of an available parking space. This, together with the on-street parking arising from the proposal, would be detrimental to road and pedestrian safety and the free flow of traffic along Dedworth Road and the surrounding road network. For these reasons the proposal is contrary to saved policies CF2, P4 and T5 of the Local Plan.

APPENDIX A – LOCATION PLAN

Disregard any other notices unless they are in blue  
- where an [ ] is shown by design to [ ] it is not to be used  
- the red outline is not to be used



APPENDIX B – FLOOR PLAN

20



## WINDSOR URBAN DEVELOPMENT CONTROL PANEL

3 February 2016

Item: 2

<b>Application No.:</b>	15/02786/FULL
<b>Location:</b>	47 - 49 High Street Eton Windsor SL4 6BL
<b>Proposal:</b>	Conversion and extension to form 2 commercial units at ground floor and formation of 5 residential units. Internal & external changes to building and associated landscaping, public space and demolition works
<b>Applicant:</b>	Rainier Developments Ltd
<b>Agent:</b>	Mr Ben Willcox - WaM Architecture
<b>Parish/Ward:</b>	Eton Town Council

**If you have a question about this report, please contact:** Alistair De Joux on 01628 685729 or at [alistair.dejoux@rbwm.gov.uk](mailto:alistair.dejoux@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 This proposal is for the extensive renovation and re-ordering of the existing buildings at the property including external alterations and a small amount of demolition, and the construction of two new houses on the rear part of the site. The application also seeks a Change Of Use from sui generis back to a mix of A3 and residential uses.
- 1.2 The buildings are subject to Grade 2\* listing, with the most important building in the group occupying a prominent position within the Conservation Area on the eastern side of Eton's High Street. The building is on the English Heritage Risk Register. It is considered that the proposals would enhance the character of the Conservation Area.
- 1.3 Aside from the listed building and Conservation Area issues, a key issue for the proposals is its location within a floodable area. The proposals would result in a net increase in site coverage of 107 sq.m. The Flood Risk Assessment submitted with the application makes a case that the site's existing enclosure means that the proposals would not result in any loss of flood storage capacity. The application has passed the 'sequential test' as required by national policy on flooding, and benefits of the proposals are such that the 'exceptions test' is also satisfied. Concerns remain in respect to the site's inability to provide a safe flood escape route, so future residents would need to rely on a flood escape plan. Due to the exceptional needs in this application to ensure the future preservation of a very significant listed building that is currently at risk, it is considered that this is acceptable in this instance. The flood escape plan should however be updated regularly, and this provision is included in the section 106 requirements for the proposal.
- 1.4 The site does not have any car parking, although provision can be made for on-site bicycle storage. A section 106 agreement would therefore also include provision to exclude future able-bodied residents from being able to obtain a residents car parking permit.

#### **It is recommended the Panel authorises the Director of Development and Regeneration:**

- |    |   |
|----|---|
| 1. | <b>To grant planning permission on the satisfactory completion of an undertaking to secure the public access proposed in the application, residents' car parking restrictions and the flood escape plan as set out in Section 6 and with the conditions listed in Section 10 of this report.</b>  |
| 2  | <b>To refuse planning permission if an undertaking to secure the an undertaking to secure the public access, residents car parking restriction and flood escape plan in Section 6 has not been satisfactorily completed by 15<sup>th</sup> February 2016 for the reason that the proposed development would not be accompanied by the required public benefits and protection of further residents.</b> |

## **2. REASON FOR PANEL DETERMINATION**

- The Council's Constitution does not give the Director of Development and Regeneration delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

## **3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The "Cock Pitt" is located within the Conservation Area on Eton High Street. The buildings are Grade 2\* Listed with the oldest part, which is prominent on the High Street, thought to have been built about 1465. The site includes a relatively long although narrow courtyard which is large hard landscaped and, like the buildings themselves, is currently in a dilapidated state. The building itself is on the English Heritage Risk Register.
- 3.2 The buildings have been used for a variety of uses ranging from Public House to restaurant, although parts of the buildings have a long history of residential use. The original building was apparently once owned by Eton College, but it has changed hands many times since then.

## **4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 4.1 The application seeks to reinstate two small Class A units on the ground floor of the original building that fronts the High Street and the three original dwellings on the site, and to build two new two-storey dwellings at the rear of the property. The proposals also include a new semi-public space within the courtyard. The entire building and its curtilage require significant restoration, the costs of which are to be funded by the provision of the additional residential accommodation. Alterations to the internal configuration of the building seek to work within the traditional layout.
- 4.2 The preservation of the 'original' street frontage building is of particular importance in this scheme. This dates largely from the 15<sup>th</sup> century but also includes a 17<sup>th</sup> century extension at the rear. The rear south and north wings (or ranges) are mainly early 19<sup>th</sup> century additions which were developed in several stages, and there is also a small 20<sup>th</sup> century rear extension which is attached to the back of the north range and is in a poor state of repair. This is proposed for demolition. The high street frontage historically provided for three access points, and the proposals include provision for the central access to be re-opened so as to allow direct access via a covered alleyway through to the courtyard public space to the rear. The other two original accesses serve the two ground floor commercial units located at the front of the 'original' building, and these would be separated by the reinstated alleyway route through to the rear.
- 4.3 Works within the buildings involve the removal of the modern elements within the fabric such as the bar counter. The key issues for and layout of the reinstated residential units and the proposed new houses are considered in turn:

### Residential Unit 1: First floor two-bedroom apartment

- 4.4 The upper parts of the oldest parts of the building are of high historic significance. The proposals would reinstate the historic residential use with the provision of a new apartment within this part of the building, which will be accessed via an existing staircase up from the central passage. This also gives direct access to the shared amenity space of the public courtyard. The internal layout respects the historic fabric, and modern additions are to be removed.

### Residential Unit 2: One-bedroom town house

- 4.5 The ground and first floor elements of the northern range of the building will form the second residential unit. The structure is early 19<sup>th</sup> century and is of some historic significance. The north range also includes 20<sup>th</sup> century cosmetic additions which were poorly constructed and have not been well-maintained, and the removal of these elements along with modern commercial kitchen equipment would be a considerable heritage benefit of the proposals. Recladding of this part of the building would allow the preservation of the remaining 19<sup>th</sup> century fabric and provide an architecturally mediating element between the original building and the two new dwellings proposed at the rear of the site.

### Residential Unit 3: One-bedroom town house

- 4.6 The ground and first floors of the southern range would become the third residential unit. The current use of the ground floor is as WCs for the previous A3 use, which detracts from the heritage significance of this part of the building, and the proposed conversion back into residential use would respect the original remaining parts of the plan form. The range includes a single storey element at the rear, and the existing felt covered roof would be replaced with a new lead roof. A small shed attached to the rear joins this structure with the “Cock Pitt” building, and its removal would allow this element of the overall site to stand as a separate structure, which is understood to be in line with the historic development pattern within the site. New timber cladding would be provided on this rear (east facing) part of the building to harmonise with the new cladding on the northern range.

### Residential Units 4 and 5: Mews Cottages

- 4.7 Two new mews cottages would be located at the eastern end of the site, and have been designed to close this end of the rear courtyard. It is noted that mews houses within the rear curtilage of properties fronting the High Street are found elsewhere within the wider Conservation Area, so that the relationship is not unusual within the surrounding area. The two new houses would be clearly separated from the listed buildings, and while utilising a similar material palette to both the listed building and the local properties, their design is contemporary. This is intended to provide a clear contrast between the old and new buildings at the site.

### The central courtyard and the “Cock Pitt”

- 4.8 The reinstatement of public access into the courtyard space within the site, and public access to the so-called “Cock Pitt”, are key features of the proposal. The courtyard would also provide space for external seating for the commercial units, and would be landscaped to create a mix of hard and soft landscaping. A permanent installation within the Cock Pitt is intended to interpret the history of the area and of the “Cock Pitt” itself, and this would also allow for possible relocation of features such as the stocks that are currently at the front of the building (but apparently come from elsewhere in Windsor) in order to ensure their survival. This exhibition space could also be made available to local groups for display.
- 4.9 There is a current listed building application which covers the listed building works that form part of the current proposals, RBWM ref. 15/02783/LBC. This was submitted alongside this full planning application and is currently awaiting determination. On the basis of the submissions from Historic England and the Council’s Conservation Officer it is currently being recommended that listed building consent should be granted.
- 4.10 The property has the following recent planning history since 2000:

<b>Ref.</b>	<b>Description</b>	<b>Decision and Date</b>
03/83524/LBC	Consent to carry out various internal and external works incorporating decorating, replastering, rendering externally to rear, new external fire escape (03/83523)	Permitted, 08.07.2003
03/83523/ADV	Consent to display one externally illuminated hanging sign	Refused, 22.09.2003
05/01133/FULL	Construction of a two storey rear extension and re-positioning of external staircase	Refused, 30.06.2005
05/01134/LBC	Consent to construct a two-storey rear extension and reposition external staircase	Refused, 30.06.2005
05/01964/FULL	Construction of a two storey rear extension and re-positioning of external staircase	Permitted, 28.09.2005
05/01965/LBC	Consent to construct a two storey rear extension and re-position external staircase	Permitted, 05.10.2005

## 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Section 2, 4, 6, 7 10, 11 and 12.

### Royal Borough Local Plan

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

Within settlement area	High risk of flooding	Conservation Area	Listed Building	Highways, car parking and cycle storage	Area specific policies
DG1, H10, H11	F1	CA2	LB2, LB3	T5, P4, T7	ETN1

5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Planning Obligations and Developer Contributions
- Interpretation of Policy F1 – Area Liable to Flood
- Sustainable Design and Construction
- Planning for an Ageing Population

More information on these documents can be found at:

[http://www.rbwm.gov.uk/web/pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm)

### Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at: [http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- RBWM Parking Strategy - view at: [http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- RBWM Strategic Flood Risk Assessment - view at: [http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- Conservation Area appraisal - view at: [http://www.rbwm.gov.uk/web/pp\\_conservation\\_consultation\\_appraisals.htm](http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm)

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i whether the proposal would be acceptable in respect to impacts on the historic character of this listed building;
- ii whether the proposal would preserve or enhance the character and appearance of the Eton Conservation Area;
- iii whether the proposal would, either by itself or cumulatively with other similar proposals, impede the flow of flood water, reduce the capacity of the flood plain to store flood water, or increase the number of people or properties at risk from flooding;
- iv the design of the new buildings and the layout of the development;
- v the impact on the amenities of the neighbouring residents;
- vi wildlife impacts and impacts on trees; and
- vii the adequacy of parking on the site and the impact on highway safety in the area.



## **Heritage issues**

- 6.2 Paragraph 134 of the NPPF requires the heritage benefits of the proposal to be weighed against any harm that would result to the significance of the heritage asset. Historic England have commented that the heritage benefits of bringing the whole site back into use are substantial given the very dilapidated condition of the buildings and the fact this proposal would secure the long-term future of this highly significant heritage asset. Historic England also commented that the harm arising as a result of locating two new dwellings in the rear garden has been minimised as highlighted by Paragraph 129 of the NPPF and that any residual harm is justified as required by Paragraph 132 as it is necessary to make some changes to convert the building to a new use.
- 6.3 The layout of the existing buildings would not change significantly. Development of the two new mews cottages is the most significant external change; these are intended to fund the restoration of the listed building, and hence an important aspect in ensuring that the whole project is financially viable.
- 6.4 The Council's Conservation Officer has noted that the proposed new houses have been designed sensitively to sit in the context of the listed buildings and to create a high quality environment that will provide an appropriate setting for the listed buildings. The proposal to allow public access to the intriguing "Cockpit" building to the rear of the site and the suitable design of an improved enclosure would enhance the existing, important structure whilst providing a more robust enclosure that will ensure its preservation. The new buildings to the rear have been carefully designed to sit discretely behind boundary walls that will provide a sense of enclosure to the courtyard, and the "reclothing" of the north range is also considered to be entirely appropriate. The existing façade treatment is not of any particular architectural significance and the new design provides a careful transition from old to new allowing them to sit together comfortably around the improved courtyard.
- 6.5 Public access to the "Cock Pitt" and courtyard together with community use is advanced in the application as a community benefit. This would need to be secured through a section 106 planning obligation.
- 6.6 Given the benefits of restoring the listed building, the harm to the site is considered to be of low significance, and there are no objections to the proposals in terms of impacts to the listed building.

## **Contribution to the Eton Conservation Area**

- 6.7 NPPF paragraph 126 advises that new development should make a positive contribution to local character and at paragraph 137 that opportunities for new development should be sought in Conservation Areas that enhance or better reveal the significance of the Conservation Area. The restoration and refurbishment of the listed buildings will achieve this. The design of the new houses is clearly contemporary, and would provide a clear contrast between the old and new buildings at the site. While this differs from the styles of surrounding buildings, the designs are of high quality and it is considered that this will enhance the appearance of the Conservation Area by providing appropriately scaled buildings that are "of their time".
- 6.8 Several low quality sycamore and other trees would need to be felled to allow the new houses to be built. This is considered to be acceptable; for further discussion on this issue please refer to para. 6.24, below.
- 6.9 The two commercial units will also safeguard the vitality of the High Street, in line with Policy ETN1 and Policy ETN2 policy.

## **Flood risk**

- 6.10 The site is located within Flood Zone 3, where the risk of flooding is 1% in any one year (the "1 in 100 year" floodplain), when the 20% allowance for climate change flood extent is taken into account. The application documentation states that the property was originally formed by three residential uses but that it has most recently been used as a mixed commercial and residential property.

- 6.11 The development has been designed to be flood resilient by located all sleeping accommodation on the first floor and above. Unit 1 would be a self-contained first floor flat and Units 2 - 5 would be two-storey units with all bedrooms at first floor level. All entrances and other thresholds below the 1 in 100 year + 20% flood water level would be protected against flooding to make the building more flood resilient.
- 6.12 The Environment Agency (EA) has objected to the proposals on grounds that the submitted Flood Risk Assessment fails to:
1. Demonstrate that flood risk will not be increased or that the proposed development will not impede flood water flows or displace flood water up to and including the 1% Annual Exceedance Probability (AEP) plus 20% allowance for climate change flood extent.
  2. Consider how people will be kept safe from flood hazards identified.
- 6.13 Additional information has been submitted to address these points. In regard to the EA's first point, the applicant's flood risk consultant considered that the EA flood maps and modelling do not sufficiently take into account buildings, structures, walls or small pockets of high land not included in the flood model. The site is surrounded by non-floodable buildings and a high brick wall, the top of which is almost 2 metres higher than the flood "design event" (1 in 100 year plus climate change) level of 20.53m AOD (the top of the brick wall is 22.45m AOD. The EA has suggested that the buildings should only be approved if it can be demonstrated that level-for-level floodplain compensation can be provided. However, while the proposal would result in a net increase of 107 sq.m., the buildings and wall around the site effectively make the site non-floodable, and for that reason and due to the exceptional needs to provide for the restoration of the Grade 2\* listed building it is considered that in this case the additional floor area is acceptable.
- 6.14 With regard to the EA's second point of objection, Local Plan policy F1 and national guidance requires residents' to be provided with a safe escape path in design flood events. The application sets out that in a design flood event, residents seeking to evacuate the site would potentially enter flood water on the pavement in the High Street at the exit of the alleyway. The lowest ground level on the pavement is 20.29m AOD, so based on a peak design flood water level of 20.53m AOD, the deepest flooding would be 0.24m at pavement level within the High Street. Provided that flood water velocities up to and including 0.3m/s depth of water is deemed to a 'Very Low Hazard' according to the *Hazard to People Classification using Hazard Rating* (FD2320/TR2). The obstructions to flood waters caused by the developed nature of the High Street in Eton where buildings line both sides of the road are highly likely to result in low flood water velocities within these limits, and the distance to be traversed through flood waters would be approximately 14m to dry land at the edge of the floodplain, in the direction of the Thames River bridge to Windsor (the land rises in tis direction). In addition, the site benefits from the Environment Agency Flood Warnings Direct service which provides warnings of impending floods to registered property. The significant lead in time before the peak of a flood event allows a flood evacuation plan to be provided. It is considered that this is acceptable provided that it is in place prior to the occupation of the development and that regular updating is required by a Section 106 planning obligation. It is also proposed that finished floor levels would be set above the floodwater modelled maximum floor levels in the design flood event by 300mm for new parts of the development, with flood proofing of the existing buildings. This is provided for by condition 10 as recommended below at Section 10 in this report.
- 6.15 A Sequential Test assessment was submitted during the course of assessing the application. Given the reliance on small windfall sites that is stated in the Council's SHLAA (an allowance of 83 to 129 units per year), and the small number of sites available for developments of this size, there are insufficient sites available to meet the Boroughs housing needs that are at a lower risk of flooding. It is therefore considered that the Sequential Test document robustly demonstrates that the site is required.
- 6.16 In summary, it is considered that the proposal would not, either by itself or cumulatively, impede the flow of flood water, reduce the capacity of the flood plain to store flood water, or increase the number of people or properties at risk from flooding.

## **Design and layout**

- 6.17 The proposed layout would provide a clear separation between the listed buildings and the two new houses, which would use a similar palette of materials to both the listed building and to other nearby local buildings. As noted above, the design of the new houses is contemporary and would provide a clear contrast between the old and new buildings at the site and within its setting. While this differs from the styles of surrounding buildings, the designs are of high quality and it is considered that they would enhance the appearance of the Conservation Area.
- 6.18 With regard to the proposed new houses to the rear, Unit 5 will be separated from the older buildings by just over 1.5m in the case of the single storey 'Cock Pitt' building and over 10m from the rear of the main south range (Unit 2), while the front of Unit 4 would be just over 7m from the back of the north range (Unit 2) (please refer to layout plan in Appendix B. The maximum ridgeline height of the new houses would be 7.44m, which is about 1.6m higher than the closest of the older buildings (Unit 2 – the north range), and 0.5m higher than the oldest building at the front of the site, with roof forms designed to reduce the overall mass of the building and to be complementary to Eton's varied roofscape. This is comparable to the heights of the closest buildings to the south (which are 7.2m and 7.84m high) and rear / east (7.7m) and a little higher than those to the north (6.6m). As these sit within other higher buildings, it is considered that this scale is acceptable. The overall form of the houses proposed is also considered to be sympathetic to the existing buildings both within and around the site.

### **Impacts on the amenities of the neighbouring residents**

- 6.19 Separation distances from neighbouring properties are sufficient to ensure that there would be no unacceptable overlooking for occupiers of those properties.
- 6.20 An objection letter has been received that states that all of the trees at the site would be lost and that this would result in unacceptable views from the rear of a neighbouring flat to the south. However, some of these trees are in a neighbouring property between the site and the objector's flat. While the view would change, views of the new buildings would be filtered through these trees and, in summer months, be partially obstructed by them. It is not considered that this is so significant that refusal on grounds of impacts on neighbours amenity would be justified.

### **Wildlife impacts and impacts on trees**

- 6.21 There are some trees and other vegetation in the rear garden which would be removed, which provide limited opportunities for nesting birds. A method statement to demonstrate that disturbing of nesting birds will be avoided was recommended by the surveyor.
- 6.22 An internal inspection of the buildings was carried out, which revealed no evidence of occupation by bats. The survey report acknowledges that there is a small possibility of crevice dwelling bats being present in one part of the building where it was not possible to completely survey the roof space. However, given the location in the centre of Eton on lit streets the buildings appear to have negligible potential for roosting bats. A soft strip-out will be required due to the sensitive nature of the listed buildings, and it is recommended that details of how this would ensure no harm to any roosting bats that may be encountered would need to be included in a biodiversity enhancement and mitigation method statement.
- 6.23 There are therefore not considered to be any ecological constraints on the site that could not be successfully addressed by condition 4 as recommended in Section 10 in this report. This condition requires a strategy to be submitted and approved which would ensure that the site's limited wildlife values are not lost, and if possible enhanced.
- 6.24 A tree survey submitted with the application identified several sycamore trees at the site as being of low quality. These would need to be felled to allow the new houses to be built. Subject to condition 4, this is considered to be acceptable. There is also a wall-grown fig growing against the northern boundary wall; while fruit trees are not normally protected all trees in Conservation Areas must be considered against the objective that heritage assets must be preserved or enhanced. The age of the tree is unknown, and as fig trees have been planted and grown in England within this type of garden location for several hundred years, condition 9 provides for

further information to be provided on this tree, and if it is shown to be a particularly old tree for propagation material to be gathered and new trees used to perpetuate the variety. Balanced against the heritage gains of the proposals, this approach is considered to be acceptable.

- 6.25 Soft landscaping will be required to create a buffer between the public and private zones and will also assist in improving wildlife values at the site and providing smaller growing trees to provide an appropriate urban landscape. Plantings of heritage varieties of fruit trees may be appropriate in this respect.

**The adequacy of parking on the site and the impact on highway safety in the area**

- 6.26 The site has no car parking available on site, and the Highway Authority accepts zero parking in this instance providing that a section 106 obligation is entered into to preclude the prospective occupants from obtaining a residential permit. There is an opportunity for the provision of cycle stores on site, and this along with refuse and recycling clearance can be provided for by appropriate conditions.

**Other material considerations**

- 6.27 Opportunities for building sustainability are limited for Units 1-3 given the building’s listed status. Where possible it is intended to improve its energy performance within the guidelines outlined by English Heritage. However, higher standards of building sustainability should be achieved for the new dwellings, and this would be provided for by condition 5 as recommended below.
- 6.28 The Environmental Protection Officer has asked for a standard condition to demonstrate that future occupiers will be protected against aircraft noise. As with the building sustainability issue, listed building requirements limit this in the case of Units 1-3 given the building’s listed status but would be more readily achieved for the new dwellings.
- 6.29 Provision of public access to the “Cock Pitt” and the A3 use of the commercial units will also provide an additional visitor attraction in Eton.
- 6.30 Aircraft noise can be problematic in this area, and the Environmental Protection Officer has sought a condition to protect future occupiers against this. While the residential units within the listed building may not be able to fully comply with current standards, this would not be the case with the new dwellings, and condition 8 as recommended below provides for this.

**7. SECTION 106 PLANNING OBLIGATION**

- 7.1 A section 106 planning obligation will be required to provide for public access to the “Cock Pitt” and courtyard as discussed in 6.6 above, for regular updating of a Flood Escape Plan as in 6.14, and restrictions on eligibility for parking permits as in para. 6.26.

**8. CONSULTATIONS CARRIED OUT**

**Comments from interested parties**

20 occupiers were notified directly of the application. The application was advertised in the Maidenhead and Windsor Advertiser 29<sup>th</sup> October, and the planning officer posted a statutory notice advertising the application at the site on 23<sup>rd</sup> October 2015.

Two letters were received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	Support re-use of the existing building	4.1
2.	Support provision of additional houses on the site	6.3, 6.9

3.	Renovation will add to the visitor experience in Eton	6.29
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Two letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	Removal of trees, and difficulty in replanting elsewhere in Eton	6.24 - 6.25
2.	Creation of a public access way will not be viable in long terms	6.5
3.	Difficulty of access by emergency services	6.26

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	<p>In accordance with saved policy F1 of the Royal Borough of Windsor and Maidenhead (RBWM) local plan (adopted 2003) and paragraph 103 of the National Planning Policy Framework (NPPF) the Environment Agency objects to the proposed development and recommend refusal of planning permission on this basis for the following reasons:</p> <p>The submitted Flood Risk Assessment fails to:</p> <ol style="list-style-type: none"> <li>1. Clearly demonstrate that flood risk will not be increased onsite or elsewhere or that the proposed development will not impede flood water flows or displace flood water up to and including the 1% Annual Exceedance Probability (AEP) plus 20% allowance for climate change flood extent.</li> <li>2. Consider how people will be kept safe from flood hazards identified.</li> </ol>	6.10 - 6.16
Historic England	Recommends approval. If accepted, a number of conditions are recommended. (Note: these comments were made for the equivalent listed building application, ref: 15/02783/LBC.)	
Town Council	There was concern expressed regarding over development at the rear of the site and a lack of parking. Also, the Charteris Day Centre is much closer to the boundary wall than is shown on the Plan. (Note: these comments were made for the equivalent listed building application, ref: 15/02783/LBC.)	

### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Highways officer	The site currently consists of 3 x 2 bedroom units as well as a 136sqm A3 unit which requires a need for approximately 19 car parking spaces. The proposed 2 x 2 bed units, generates a max demand for 2 additional spaces. However, given its location the Highways Authority will accept zero parking in this instance providing that a section 106 obligation is entered into to preclude the prospective occupants from obtaining a residential permit.	6.26

	No cycle facilities have been provided for the development. With considering no vehicle parking can be provided and the location of the site, the Highways Authority will require some form of cycle facilities to be provided for the site.	
Conservation Officer	Supports the application.	6.2 - 6.9
Environmental Protection	Condition sought to protect future occupiers against aircraft noise.	6.30

## 9. APPENDICES TO THIS REPORT

9.1 Please refer to the following appendices to the accompanying listed building application report, ref. 15/02783/LBC:

- Appendix A - Site location plan
- Appendix B - floor plans and elevation drawings

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

In this case the issues have not been successfully resolved.

## 10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.  
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 3 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policy Local Plan DG1, LB2 and CA2
- 4 No development shall take place until a biodiversity mitigation and enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of timing for the demolition of the existing buildings, further survey works, habitat improvements including provision within the landscaping materials of plants that are of value as wildlife food sources, bat and bird boxes and / or other features that have value as habitat. The approved mitigation measures, including any additional measures recommended in the survey report(s), shall then be implemented in their entirety within the timescales approved within the strategy.  
Reason: In order to comply with advice in the National Planning Policy Framework 2012.

- 5 No development shall take place until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document. The development shall be carried out and subsequently retained and maintained in accordance with the approved details.  
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 6 No works of construction shall take place in association with the development until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The soft landscape details to be submitted shall include details of species, varieties, numbers and grades of plants with consideration to be given to including heritage fruit varieties and plants including trees that will grow to small to medium sizes and are able to provide food / habitat for wildlife, and planting methods for all plantings (including volume of soil or alternative growing media to be provided in tree pits to ensure that the species and varieties selected will reach their full potential on this site). hard landscape details shall include a plans of paving, materials for paving and any repairs to historic walls, details of any new boundary treatment, and underground service routes. The approved works shall then be carried out within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.  
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1 and CA2.
- 7 No development shall be commenced until details sufficient to demonstrate that the new houses in the development will provide appropriate measures to ensure good access and adaptability of the dwellings, as set out in the Council's Planning for an Ageing Population Supplementary Planning Document have been submitted to and approved in writing by the Local Planning Authority, and the approved details shall then be implemented prior to the first occupation of the development and retained as such.  
Reason: To ensure that the development is suitable for future occupiers, and to comply with the Requirements of the Planning for an Ageing Population SPD.
- 8 No development shall take place until details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft noise, together with details of measures to provide ventilation to habitable rooms, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the development is first occupied for residential purposes and retained.  
Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies Local Plan NAP2, H10.
- 9 No felling of trees or other clearance works in the rear garden area in association with the development until further details have been submitted to and approved in writing by the Local Planning Authority regarding the age and significance of the fig tree in the rear garden area. If the tree is shown to be an aged tree, the submitted details shall also include details that demonstrate how the tree will be propagated and provision made for a replacement tree or trees to be included in the landscaping for the development.  
Reason: To ensure the preservation of the fig variety in accordance with advice in the NPPF.
- 10 The development shall be completed in accordance with the details, including flood barriers for the front alley within the listed building and finished floor levels for the new houses, as set out in the Flood Risk Assessment submitted with the application.

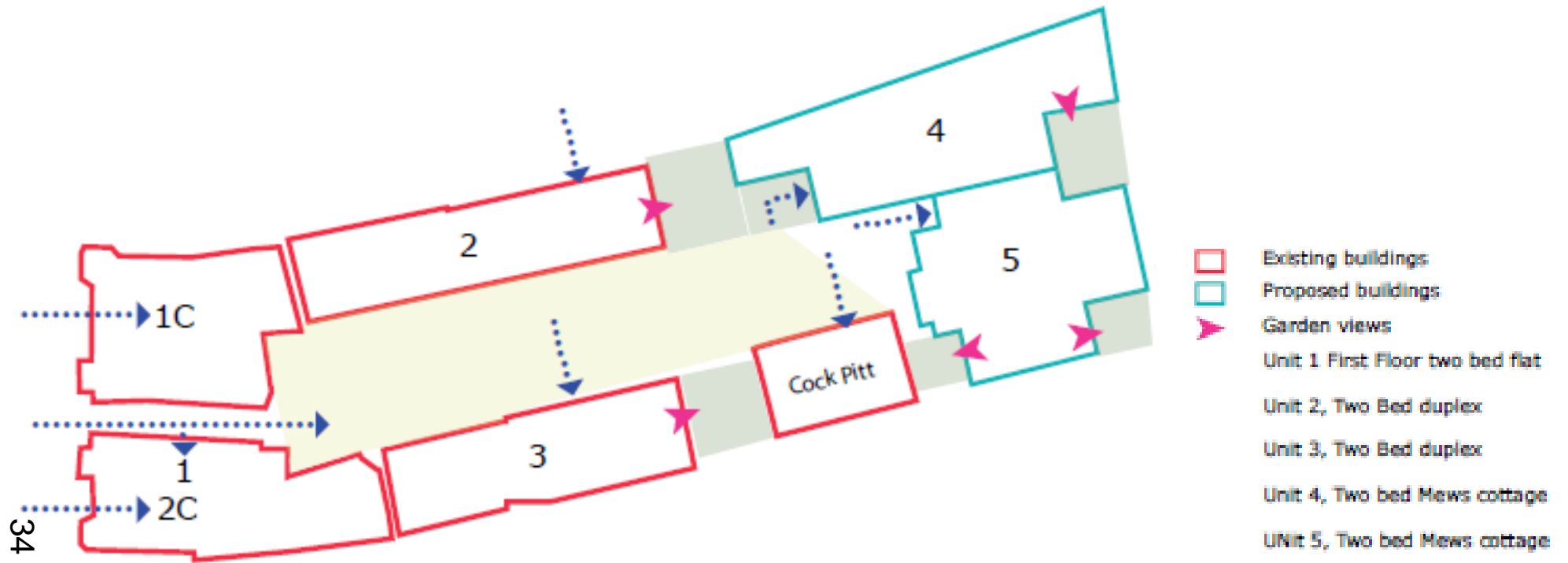
Reason: To ensure that residents are protected from the risk of flooding at the site. Relevant Policy - Local Plan F1.

- 11 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.  
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 12 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.  
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 13 The windows serving bathrooms and WCs in the new dwellings shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass. These window shall not then be altered without written approval having first been obtained from the Local Planning Authority.  
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policy - Local Plan H11.
- 14 No further windows or rooflights shall be inserted into the approved new dwellings without written approval having first been obtained from the Local Planning Authority.  
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers, and to ensure that the design of new windows is compatible with the Conservation Area location and proximity to listed buildings. Relevant Policies - Local Plan H11, CA2 and LB2.
- 15 Irrespective of the provisions of Classes A and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwellinghouse the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.  
Reason: In order to ensure that any further development at the site takes into account the Conservation Area location and proximity to listed buildings, and the site's floodable location. Relevant Policy - Local Plan CA2, LB2 and F1.





Appendix A



Arrangements at ground floor level - 1 C and 2 C would be A3 units, and 1 - 5 are residential



Proposed ground floor plans and indicative exterior layout



Arrangements at first floor level for the five residential units



Roof plan again showing the indicative exterior layout



Street frontage elevation, including 50 and 51 High Street, which are outside the application site, on the right



39

North elevation drawings of the proposed new and existing (refurbished) building as proposed



40

North elevation drawings of the (refurbished) south range building as proposed, also showing the internal courtyard and a section through the Unit 5 at the rear





West elevation drawing of Units 4 and 5 (facing internal courtyard)

East (rear) elevation drawing of Units 4 (on right) and 5 (on left)

## WINDSOR URBAN DEVELOPMENT CONTROL PANEL

3 February 2016

Item: 3

<b>Application No.:</b>	15/02886/VAR
<b>Location:</b>	Land At Riding Court Farm Riding Court Road Datchet Slough
<b>Proposal:</b>	Extraction of sand and gravel at Riding Court Farm, erection of mineral processing and ready-mixed concrete plants and associated infrastructure, creation of new access onto Riding Court Road and restoration of the site by the importation of inert restoration material for a period of 12 years as approved under planning permission 13/01667 without complying with condition 18 (export import tonnage) to re-word the condition.
<b>Applicant:</b>	Cemex UK Operations Ltd
<b>Agent:</b>	H Hudson-CEMEX
<b>Parish/Ward:</b>	Datchet Parish

**If you have a question about this report, please contact:** Alistair De Joux on 01628 685729 or at [alistair.dejoux@rbwm.gov.uk](mailto:alistair.dejoux@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 Planning permission was granted in August 2015 for *Extraction of sand and gravel at Riding Court Farm, erection of mineral processing and ready-mixed concrete plants and associated infrastructure, creation of new access onto Riding Court Road and restoration of the site by the importation of inert restoration material for a period of 12 years* (RBWM ref. 13/01667/FULL). This application seeks to vary the quantity of processed materials from the site as provided for by condition 18 of that permission, to increase the allowable export tonnage from 350,000 to 400,000 tonnes per annum.
- 1.2 The increased export tonnage is acceptable, because the transport assessment for application ref. 13/01667/FULL was carried out on the basis of 400,000 tonnes of processed material being exported from the site per annum. The officer's report for the Windsor Urban Development Control Panel meeting where it was resolved to grant planning permission, subject to completion of a section 106 agreement, also stated the 400,000 tonne figure. However the figure of 350,000 tonnes per annum was included in condition 18 in error (please refer to para. 6.5 for further explanation on this point).
- 1.3 Other than for this point, the proposal remains identical to that in the 2015 permission. It provides for the phased extraction of gravel and sand over a period of six years, re-location of the concrete production plant currently operating at Kingsmead Quarry, and processing the minerals to be extracted at the application site. Extraction is intended to be in nine phases. Phase 1 has already commenced; this is located in the south-eastern part of the site near the Riding Court Road frontage where the on-site processing facilities will be provided. Phase 2 is at the western end of the site, and extraction and site restoration will then work back towards the eastern part of the site. Following extraction, each phase will be restored by infilling with inert waste materials so that most of the land will be returned to agricultural use. There will also be a waterbody and wetland in the south-eastern part of the site.
- 1.4 As noted in the report for planning application 13/01667/FULL, the site is made up of land that is subject to two key designations with differing policy contexts for the consideration of the two separate parcels of land. These are as follows:
  - The land within Phases 1-6, 8 and 9 is an area of approximately 29 hectares (ha) within a preferred minerals extraction area as identified in the Berkshire Replacement Minerals Local Plan for Berkshire. This land is also identified in the Waste Local Plan for Berkshire as a preferred waste treatment site.
  - A smaller area of land comprising Phase 7, amounting to 5.5 ha, is subject to the Grade II registered historic park designation covering Ditton Park. This land is outside the land identified in the Minerals Plan and Waste Local Plan for minerals extraction. A section 106

agreement completed in association with planning permission 13/01667/FULL places restrictions on any extraction taking place within this area.

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

## **2. REASON FOR PANEL DETERMINATION**

- The Council's Constitution does not give the Borough Planning Manager delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

## **3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The site comprises just under 44 hectares (ha) of agricultural Green Belt land at Riding Court Farm and Ditton Park. It is located to the north of Datchet and immediately north of both the M4 motorway and Riding Court Road, and to the south of Slough. Within this total site area it is proposed to work an area of 34.3ha for the purposes of mineral extraction, followed by subsequent infilling of most of this area with inert waste as part of the post-extraction restoration programme. The irregular site boundary is partially defined by the location of the Riding Court Farm complex on its southern side, which consists of a range of buildings occupied mainly by business occupiers along with a single residential dwelling 'Tree Tops' (please refer to Appendix A for location and site plans).
- 3.2 The larger part of the land to be worked (approximately 28.8 ha) is designated within the adopted Replacement Minerals Local Plan (BMLP) for Berkshire as an identified site for mineral extraction, known as 'Preferred Area 11' (or 'BMLP Area 11' in this report). The same land is also identified within the Berkshire Waste Local Plan (BWLP) as a Preferred Area 24 for waste treatment ('WLP Area 24' for the remainder of this report). As the two site allocations identified in these two development plan documents are the same, they are also referred to within this report as 'the identified minerals / waste site'. This area comprises Phases 1 - 6, 8 and 9 in the approved scheme.
- 3.3 The remainder of the application site is to the north-east of the identified minerals extraction area, and comprises a field and boundary vegetation that is included within the historic Grade II registered Ditton Park designation. This parcel of land is 5.5 ha in area and comprises Phase 7 in the approved scheme. This land has been fragmented from the rest of Ditton Park, which is immediately to the north and east, by its separate ownership.
- 3.4 The site is north of Datchet, where the closest dwelling, (apart from 'Tree Tops' which as noted above is within the Riding Court Farm complex), is immediately to the south of the M4 at 92 London Road. This is located approximately 60m from the closest point within which workings were approved under the 2015 permission. Other nearby dwellings also to the south of the M4 are at Whites Lane and Slough Road (the B376), the closest of which are, 85m and 100m respectively from the area to be worked, and 200m at Manor Farm Road. The modern Computer Associates office building lies directly to the east of the site and is located at its closest point about 50m from the closest part of the proposed workings. Further to the north-east, there is a relatively new housing development within Slough known as James Meadow.
- 3.5 Ditton Park contains a number of listed structures, some of which are close to the application site. Ditton House, an early 19th Century Grade II listed house within Ditton Park, is 400m to the east of the site, and Datchet Conservation Area is 300m to the south. Also within the Riding Court Farm complex is the Grade II listed Riding Court House, which is now used as a commercial office, along with various other commercial buildings that are of no designated heritage value. Datchet Village Conservation Area is 350m from the worked area. Within Slough, Upton Court, a Grade II\* listed medieval house and grounds, and Upton Park / Village Conservation Area is approximately one kilometre to the north-west of the site.

3.6 Site levels include some relatively minor variations, which are sufficient to result in varying degrees of flood risk across the site with the result that different parts of it are located within Flood Zones 1, 2 and 3. The Datchet Common Brook forms part of the site's northern and eastern boundary, and crosses it along the line of the division between the minerals and waste 'preferred area' as noted at 3.2 above, along the line of an old hedgerow.

#### 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 The site has the following recent planning history:

Ref.	Description	Decision and Date
13/01667/FULL	Extraction of sand and gravel at Riding Court Farm, erection of mineral processing and ready-mixed concrete plants and associated infrastructure, creation of new access onto Riding Court Road and restoration of the site by the importation of insert restoration material for a period of 12 years	Permitted, 21.08.2015
15/02870/CONDIT	Details required by condition 3 (Tree protection) of planning permission 13/01667	Approved for Phase 1 only, 23.10.2015
15/02871/CONDIT	Details required by condition 4 (Soil Management Plan) of planning permission 13/01667	Approved for Phase 1 only, 26.10.2015
15/02873/CONDIT	Details required by condition 5 (Archaeology) of planning permission 13/01667	Approved, 22.09.2015
15/02874/CONDIT	Details required by condition 6 (badger survey and mitigation strategy) 32 (reptile mitigation strategy) and 33 (first annual water vole assessment) of planning permission 13/01667	Approved, 20.10.2015
15/02875/CONDIT	Details required by condition 7 (invasive species) of planning permission 13/01667	Approved for Phase 1 only, 23.10.2015
15/02877/CONDIT	Details required by condition 8 (construction management plan) of planning permission 13/01667	Approved for Phase 1 only, 23.10.2015
15/02878/CONDIT	Details required by condition 9 (Dust Management Plan) of planning permission 13/01667	Approved for Phases 1 and 2 only, 23.10.2015
15/02879/CONDIT	Details required by condition 11 (Wheel cleaning) of planning permission 13/01667	Approved for Phase 1 only, 23.10.2015
15/02880/CONDIT	Details required by condition 13 (Complaint Procedure) of planning permission 13/01667	Approved, 23.10.2015
15/02882/CONDIT	Details required by condition 15 (construction of site access) of planning permission 13/01667	Approved, 13.10.2015
15/02883/CONDIT	Details required by condition 22 (external appearance) of planning permission 13/01667	Approved, 20.10.2015
15/03236/CONDIT	Details required by condition 10 (Highway Condition Survey) of planning permission 13/01667/FULL	Approved, 10.11.2015
15/04161/CONDIT	Details required by condition 14 ( Local liaison group) of planning permission 13/01667/FULL	Under consideration

- 4.2 The submissions of details required by conditions above covered all of the pre-commencement requirements, although some of these submissions did not contain sufficient detail to cover all phases. The conditions recommended in Section 11 below are based on those for the extant permission and reflect the details which have already been approved.
- 4.3 The extant permission allows for the extraction and on-site processing of approximately 2.1 million tonnes of sand and gravel, followed by restoration by infilling with inert waste to natural ground levels over most of the site. A landscaped water body and wetland within the south-eastern part of the site is also proposed as part of the site remediation. This is intended to replace the applicant's current extraction and ready mixed concrete production operations at Kingsmead Quarry. The plant and production area would be sited within the south-eastern part of the site with access from Riding Court Road. Extraction is intended to take six years, with restoration to take a further six years resulting in the whole of the operations extending over a period of twelve years (Years 1 to 12 in this report). Sand and gravel extraction is proposed for Years 1 to 6 phased infilling and restoration operations to commence in Year 2. Restoration would then continue throughout the remaining five years during which the extraction and processing activities would take place and then for a further six years to Year 12. It is intended that this part of the operations would result in the importation of up to 2.24 million tonnes of inert waste as restoration material.
- 4.4 The proposals necessarily involve very significant heavy vehicle movements over the whole of this period, along with additional traffic movements for staff and ancillary activities. Condition 18 of the extant permission was put in place to indirectly restrict the number of heavy goods vehicle (HGV) movements, by capping the quantity of materials transported out of the site during the extraction of minerals and into the site for restoration purposes and also for the purpose of bringing cement in to the batching plant from other locations.

## 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework, Sections 1, 3, 8, 9, 10, 12 and 13, and 'Decision Taking' paras. 186 - 195 and 203 - 206.

- Waste management plan for England (December 2013) - view at: <https://www.gov.uk/government/publications/waste-management-plan-for-england>
- National Planning Policy for Waste (October 2014) (the NPPW) - view at: <https://www.gov.uk/government/publications/national-planning-policy-for-waste>

This is the current national document to be considered for the restoration phase of this application, which involves the importation to and depositing of inert waste within the site.

- National Planning Practice Guidance - view at: <http://planningguidance.planningportal.gov.uk/>

### Royal Borough Local Plan

Green Belt	Flood risk and ground-water	Archaeology	Historic Parks and Gardens Listed buildings and Conservation Area	Design	Wildlife Sites	Trees and hedges	Noise, dust and other pollution issues	Highways and transport
✓	✓	✓	✓	✓	✓	✓	✓	✓
GB1, GB2	F1, NAP4	ARCH2, ARCH3 and ARCH4	HG1, LB2, CA2	DG1	N9	N6, N7	NAP3 and NAP4	T5, T6, P4

**The Berkshire Replacement Minerals Local Plan (Incorporating the Alterations Adopted in December 1997 and May 2001):**

This is referred to as the Berkshire Minerals Plan or BMP within this report. The following policies are of relevance to this application:

- BMP6 - Planning permission to be granted only where an acceptable balance is achieved between all relevant planning considerations and appropriate site restoration is provided for
- BMP7 - Criteria for assessment of minerals applications
- BMP8 - Presumption in favour of permission within Preferred Areas subject to criteria in BMP6 and specific requirements for each of the Preferred Areas
- BMP10 - Presumption against minerals development outside the identified Preferred Areas
- BMP11 - presumption against minerals development within identified designated areas, including (as numbered within the policy):
  - (vii) registered Parks and Gardens and
  - (ix) Green Belt land.
- BMP18 - Restoration of mineral workings, including provision of legal agreements to secure the restoration
- BMP19 - Public benefits to be secured through restoration schemes
- BMP20 - Restoration schemes to be in accordance with specific proposals for each Preferred Area identified in the Plan.
- BMP21 - Documentation required to accompany applications
- BMP28 - Erection of processing and manufacturing plant at minerals sites.

#### **The Waste Local Plan for Berkshire (adopted December 1998)**

This is referred to as the Waste Local Plan or WLP within this report. The following policies are relevant:

- WLP1 - Sustainability of waste development
- WLP11 - Preferred areas for waste treatment
- WLP21 - Safeguarding waste sites, including mineral extraction sites
- WLP25 - Disposal of inert waste at Preferred mineral extraction sites in the BMP
- WLP27 - Criteria for waste management sites, including provision of infrastructure etc. required by the development
- WLP29 - Presumption against minerals development within identified designated areas, including registered Parks and Gardens, outside preferred areas as identified within the WLP
- WLP30 - Assessing the impacts of development proposals
- WLP31 - Documentation required to accompany applications

5.2 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Planning Obligations and Developer Contributions
- Interpretation of Policy F1 – Area Liable to Flood
- Sustainable Design and Construction

More information on these documents can be found at:  
[http://www.rbwm.gov.uk/web/pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm)

#### **Other Local Strategies or Publications**

5.3 Other Strategies or publications relevant to the proposal are:

- Berkshire Local Aggregate Assessment
- RBWM Landscape Character Assessment - view at:  
[http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- RBWM Parking Strategy - view at:  
[http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)

- RBWM Strategic Flood Risk Assessment - view at: [http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- Conservation Area appraisal - view at: [http://www.rbwm.gov.uk/web/pp\\_conservation\\_consultation\\_appraisals.htm](http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm)
- RBWM Public Rights of Way Improvement Plan - view at: [http://www.rbwm.gov.uk/web/prow\\_improvement\\_plan.htm](http://www.rbwm.gov.uk/web/prow_improvement_plan.htm)

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are in this application are:

- (i) Matters for consideration in this application;
- (ii) Impacts of additional traffic movement;
- (iii) Other highways issues considered; and
- (iv) Environmental Impact Assessment

### **The matters for consideration in this application**

6.2 The proposal is a Schedule 1 development as defined by the EIA regulations, which in the case of mineral extraction activities applies to all developments of 25 hectares or larger. The application which resulted in the extant permission for extraction at the site (ref. 13/01667/FULL) was of a scale and potential impact that requires Environmental Impact Assessment (EIA) under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and 2011 (“the EIA regulations”). The results of the EIA were incorporated into an Environmental Statement (ES) that was submitted with the application, and additional information was also submitted under an EIA Regulation 22 request. Taken together, the ES and Regulation 22 submissions that accompanied the application satisfactorily demonstrated that the cumulative impacts of the simultaneous operations at the site would be acceptable, subject to the conditions. The necessary pre-commencement requirements have been satisfied for Phase 1 of the development, which largely involves site set-up, and the key issue for consideration is therefore whether output quantities sought in the amended condition 18 would result in unacceptable impacts or not. Apart from this, there have been no material changes in circumstances since permission was granted in 2015, and the ES (including Regulation 22 submissions) remains acceptable. However, to assist any decision makers, interested parties and other members of the public who have an interest in the outcome of this application and are less familiar with the extant permission, the matters covered by the ES are also considered at 6.12 - 6.15 in this report. In addition, a number of matters for which details are required by conditions are still to be resolved beyond Phase 1, and these are discussed briefly within the consideration of the issues covered by the ES. Finally, the matter of the permanence of public access to the eastern part of the site is discussed at para. 6.47.

6.3 The principle of the use of the land was also considered against the relevant policies in the Berkshire Minerals Plan, the Berkshire Waste Local Plan and the RBWM Local Plan, which can be considered up to date in as much as they are consistent with the NPPF (NPPF 215). As noted above, the application site consists of one larger area of land that is identified within the first two of these Development Plan documents for the uses proposed in the application, along with a smaller area that is subject to a Historic Parks and Gardens designation.

### **Impacts of additional traffic movement**

6.4 The figure set for the quantity to be exported from the site in condition 18 resulted from a simple miscalculation in the course of assessing the proposals. This came about as follows:

6.5 The 2013 application as originally made was for the extraction of 2.3 million tonnes, but this was revised down to 2.1 million tonnes in the amended and additional information provided in a Town and Country Planning (Environmental Impact Assessment) Regulation 22 request made during the course of the application. While the application set out the weight of materials to be exported

from the site at 400,000 tonnes per annum, in drafting conditions for the officer's report the reduced total was simply divided out across the intended six years of extraction to arrive at a projected annual output of 350,000 tonnes. This was then written into condition 18. However, this overlooked two points; (i) that some years could result in greater demand (and production) than others, and (ii) the fact that the application also provided for importation of cement and some specialist sands for the making up of different types of concrete which would also increase the weight of material to be exported from the site.

- 6.6 The Transport Assessments for the application were, therefore, also made on the basis of a 400,000 tonne annual output of processed materials. The Highways Officer assessed the proposals on this basis, and confirms that the additional tonnage now sought to make up this figure would not place an unacceptable demand on the road network.

#### **Other highways considerations during the assessment of the extant permission**

- 6.7 A case was made during the assessment of the extant application for splitting traffic movements across the road network on both the northern and southern side of the M4. The following route options for traffic movements were set out in the application:
1. All "operational development" traffic to be routed via Riding Court Road east and Ditton Road;
  2. All traffic via Riding Court Road west, B470 London Road and B470 Major's Farm Road;
  3. All traffic arriving via Riding Court Road west, B470 London Road and B470 Major's Farm Road and departing via Riding Court Road east and Ditton Road; and
  - 3A. All traffic arriving via Ditton Road and Riding Court Road east and departing via Riding Court Road west, B470 London Road and B470 Major's Farm Road.
- 6.8 Option 1 was set out in the Berkshire Minerals Plan (BMP) for Preferred Area 11. This provided a somewhat shorter routing to *M4 Junction 5; Option 1 is 2.15km from J5 whereas the Majors Farm route in Options 3 and 3A the distance is 3.05km.* The extant application sets out the case for splitting the traffic as in Option 3 and its variation, Option 3A (the same route, but in the opposite direction). However, this would have required road widening within the B470 London Road within Datchet. In assessing the extant permission, it was noted that NPPF paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In considering the application, officers advised that, subject to road improvements, there was no technical reason why any of the options could not be used. There was therefore no over-riding reason for deviating from the Option 1 routing as set out in the BMP, and in determining the application members therefore approved the proposals subject to all HGV traffic using Option 1. This is provided for in condition 16, and also within the section 106 planning obligation for the extant permission..
- 6.9 As considered in the assessment for the extant permission, the operations associated with the processing and transport of minerals from the site this would result in 91 Heavy Goods Vehicle (HGV) and 30 car movements per working day, while bringing inert waste in for restoration purposes would add a further 36 HGVs and two car movements per day. Taken together, this would result in traffic movements of 121 per day in Year 1, 159 traffic movements in Years 2 - 6 (127 HGVs and 32 cars), and 38 traffic movements for Years 7 - 12 . The higher traffic volumes in Years 2 - 6 would result from mineral processing and transport from the site proceeding simultaneously. The HGV component of these vehicle movements is expected to be evenly distributed throughout the day, such that actual hourly movements should be close to a calculated average of the above figures as distributed across a ten hour working day. While there is likely to be some hour-to-hour variation it is anticipated that movements should not normally exceed 14 each-way movements in any one hour - a maximum on average of one HGV every four minutes during Years 1 - 6, and less for the remaining years of the operation. For the selected HGV route, this is expected to result in an increase in two-way weekday traffic of 5.7% along Riding Court Road (east of the site access) and 5.3% along Ditton Road.



- 6.10 The above figures relate to an annual output rate of 400,000 tonnes, and it was on the basis of this volume of traffic movements during the consideration of planning application ref. 13/01667/FULL that the proposals were found to be acceptable in highways terms. For that reason, the increase in output from 350,000 tonnes as noted in condition 18 of the extant permission, to 400,000 tonnes as proposed here, is also acceptable.
- 6.11 A number of conditions were included in the extant permission that relate to highways matters, and several of these require details to be submitted and approved before other works commenced in connection with the development. These include conditions 8 and 11, which are requirements for a construction method statement and wheel washes. The details submitted were sufficient for Phase 1 to commence, but further information would be required before Phases 2 – 9 can commence, and the conditions are amended accordingly in the equivalent conditions as recommended at Section 10 below.

#### **Environmental Impact Assessment requirements**

- 6.12 In addition to transport issues, the following matters were considered in the ES, and are also briefly discussed here in turn:
- Landscape and Visual Impact
  - Hydrogeology
  - Flood Risk
  - Tree Impacts
  - Noise, including traffic noise
  - Air Quality (dust)
  - Air Quality (traffic)
  - Agricultural Land Quality
  - M4 motorway stability
  - Cultural Heritage and Datchet Conservation Area
  - Ecology
  - Archaeology
  - Lighting
  - Birdstrike

- 6.13 The proposed amendment makes no material changes that affect the acceptability of the scheme on these matters, with the exception of Air Quality (Traffic) and this is discussed below. A copy of the report on 13/01667 is appended at Appendix E, where the other issues considered in the ES are considered in full. Conditions numbered 3-11, 13, 15, 22, 32 and 33 secure the details secured under 13/01667 as noted at para. 4.1 above and these conditions have been amended, where necessary, to reflect the approval of details under this permission.

#### Air Quality (traffic)

- 6.14 NPPF 124 advises that planning policies taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas, and that planning decisions should ensure that any new development in Air Quality Management Areas (AQMAs) is consistent with the local air quality action plan. The modelled impacts set out in the set out in the Traffic Air Quality Technical Report are based on worst-case traffic flows using the most recent monitored background levels of two key pollutants (PM<sup>10</sup> particulates and NO<sup>2</sup>). These found that the different traffic routing scenarios as considered for the extant permission would not result in any impacts of a significant magnitude.
- 6.15 The recommended change to condition 18 would ensure that Air Quality impacts would remain acceptable, as the additional export tonnage sought and resulting number of highways movements have already been assessed in the ES and Regulation 22 submissions, as noted above at para. 6.4 - 6.5.

## Other material considerations

- 6.16 The site is within the Green Belt. NPPF 90 includes mineral extraction within the appropriate forms of development within the Green Belt, subject to satisfying the detailed requirements of the EIA process.

### The economic benefits of the proposal

- 6.17 The application proposal seeks to replace the applicant's existing mineral extraction capacity at Kingsmead, which is due to be worked out by 2016. The sand and gravel extracted would maintain a supply of construction aggregate to both the local and wider regional and national construction industry to maintain an adequate and steady supply of aggregate, and the approval of the increased tonnage proposed in this application would enhance this supply. The permission also provides on-going work for 32 employees, many of who are currently employed at Kingsmead. As such, the economic development benefits of the proposals are clearly supported by NPPF paragraph 144.
- 6.18 Two objectors have cited impacts on property value in their letters. It is noted that effects on property values are not a material consideration in the determination of planning applications.

## 7. SECTION 106 PLANNING OBLIGATION

- 7.1 The Section 106 obligation completed for the extant permission secured the amalgamation of the restored parkland back into to the main part of Ditton Park; if this is not achieved, this Phase could not be worked. The obligation also secures public access to the restored land including both the historic parkland and the wetland area in the eastern part of the site.

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

627 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 25 September 2015.

Four letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	How will noise be managed ?	Appendix E: 3.13 - 3.14 & 7.57 - 7.75
2.	Debris, mud and mess caused along local roads	6.11
3.	Concerns about traffic routing	6.8
4.	Impacts on property values	6.18
5.	The land is Green Belt	6.16

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Parish Council:	Noted. No further comments were made on this application.	n/a

Slough Borough Council:	An extension in timeframe for responding to this application was requested (this was given by RBWM) but no further comments were made on this application.	n/a
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### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Highways Officer:	No objection.	6.4 - 6.6

## 9. APPENDICES TO THIS REPORT

- Appendix A - Location and site plans
- Appendix B - Relevant extracts from
  - The Berkshire Replacement Minerals Local Plan
  - The Waste Local Plan for Berkshire
  - The English Heritage listing for Ditton Park
- Appendix C - plan showing the sequence of extraction and restoration
- Appendix D - the traffic routing selected in the extant permission
- Appendix E - the officer's reports for planning reference 13/01667/FULL (including update report)

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPPF.

In this case the issues have been successfully resolved.

## 10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 No stockpiles of material shall exceed 8 metres in height from natural ground level (excluding material within the grading area).  
Reason: To protect the amenity of nearby occupiers and the surrounding area. Relevant policy - Replacement Minerals Local Plan for Berkshire Policy 28 and NPPW.
- 2 Within 7 days of commencement of the following the developer shall notify the Local Planning Authority of the following:
  - (i) Commencement of a new phase of extraction of mineral;
  - (ii) Completion of each restoration phase including the final restoration under this permission.Reason: To enable the Local Planning Authority to control the development and to monitor the site to ensure compliance with the planning permission, to minimise the impact upon amenity and to comply with policies and advice within the Berkshire Replacement Minerals Local Plan (Incorporating the Alterations Adopted in December 1997 and May 2001), the Waste Local Plan for Berkshire (adopted December 1998), the National Planning Policy Framework, the National Planning Policy for Waste, the Waste Management Plan for England, (NPPF, NPPW and WMPE).
- 3 Prior to any equipment, machinery or materials being brought onto those parts of the site within Phases 2 - 9, details of the measures to protect, during construction, the trees and hedges to be

retained shall have been submitted to and approved in writing by the Local Planning Authority. For Phase 1, the details approved under RBWM ref. 15/02870/CONDIT shall be continue to implemented as approved. The submitted details for Phases 2 - 9 shall include fencing and ground protection in accordance with British Standard 5837 and sufficient additional information to ensure that the retained trees and hedges will not be compromised by the location of bunds and excavations; for the protected oak tree in the western part of the site and, where applicable, for other aged or veteran trees that are located near the edge of areas to be excavated, the details shall provide for partial excavation around the tree(s) at any one time, gradients on excavated slopes around the tree(s), increased stand-offs and means of ensuring sufficient moisture is provided to maintain the viability of the tree(s) during the excavation and restoration phases of the scheme. The approved measures for each phase shall be implemented in full prior to any equipment, machinery or materials being brought onto the land within that phase, and thereafter maintained for all nine phases until the completion of all extraction and restoration and until all equipment, machinery and surplus materials have been permanently removed from the land within each phase. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, other than as approved in this decision, unless otherwise first approved in writing by the Local Planning Authority.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1 and N6 and advice set out in the Berkshire Replacement Minerals Local Plan, the Waste Local Plan for Berkshire and the NPPF, NPPW and WMPE.

- 4 Prior to any equipment, machinery or materials being brought onto those parts of the site within Phases 2 - 9, an updated Soil Management Plan (SMP) covering soil stripping, handling, movement and the machinery to be used shall have been submitted to and approved in writing by the Local Planning Authority. For Phase 1, the details approved under RBWM ref. 15/02871/CONDIT shall be continue to implemented as approved. The extraction and restoration shall be carried out in accordance with the approved details and no excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation [except for the purpose of stripping that part or stacking of topsoil in that part of the site] unless all available topsoil has been stripped from that part of the site and stored in accordance with the details agreed under this condition.

Reason: To ensure that the structure and quality of soils is retained and to assist in the control and eradication of invasive species from the site by preventing it from spreading during the development and restoration of the site and to comply with policies and advice within the Berkshire Replacement Minerals Local Plan (Incorporating the Alterations Adopted in December 1997 and May 2001), the Waste Local Plan for Berkshire (adopted December 1998), the National Planning Policy Framework, the National Planning Policy for Waste and the Waste Management Plan for England, (NPPF, NPPW and WMPE).

- 5 The development shall only take place in accordance with the scheme of archaeological investigation and work that was submitted to and approved in writing by the Local Planning Authority under reference 15/02873/CONDIT, in accordance with condition 5 of planning permission ref. 13/01667/FULL.

Reason: To ensure the continued preservation in situ or by record of any finds made in this area of archaeological interest. Relevant Policies - Local Plan ARCH2, ARCH3, ARCH4 and advice set out in the Berkshire Replacement Minerals Local Plan, the Waste Local Plan for Berkshire and advice in the NPPF and NPPW.

- 6 The development shall only be implemented in accordance with the badger survey and mitigation strategy that was submitted to and approved in writing by the Local Planning Authority under reference 15/02874/CONDIT, in accordance with condition 6 of planning permission ref. 13/01667/FULL.

Reason: In the interests of wildlife protection and to mitigate any adverse impact on the badger population within or around the site thus to accord with the relevant legislation and Section 11 of the NPPF.

- 7 Prior to any equipment, machinery or materials being brought onto those parts of the site within Phases 2 - 9, an updated scheme for the eradication of invasive species shall have been

submitted to and approved in writing by the Local Planning Authority. For Phase 1, the details approved under RBWM ref. 15/02871/CONDIT shall be continue to implemented as approved. The removal / eradication of invasive species shall be carried out in accordance with the approved details prior to site set up and construction activities for the remaining phases, unless some other timetable is first approved in writing by the Local Planning Authority.

Reason: To eradicate the invasive species from the site to prevent it spreading during the development in the interests of the character and appearance of the area.

- 8 Prior to any equipment, machinery or materials being brought onto those parts of the site within Phases 2 - 9, an Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. For Phase 1, the details approved under RBWM ref. 15/02877/CONDIT shall be continue to implemented as approved, and phases 2 - 9 shall only be implemented in accordance with the approved amended Construction Management Plan, and the approved details shall be maintained for the duration of the works unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with RBWM Local Plan Policy T5.

- 9 Prior to the commencement of any development within those parts of the site in Phases 3 - 9, an updated Dust Management Plan (DMP) detailing measures sufficient to ensure that all dust arising from the site operations / preparation shall be contained within the site boundaries shall be submitted to and approved in writing by the Local Planning Authority. For Phases 1 and 2, the details approved under RBWM ref. 15/02878/CONDIT shall be continue to be implemented as approved. The updated DMP shall set out mitigation measures to control dust emission arising from site operations, site preparation (including the creation of the access road and hard standing, soil stripping and bund formation, with detailed drawings to be provided of the site layout and the proposed 5 metre bunds to be erected around the edge of the processing plant site), site restoration work, plant, equipment, vehicles and machinery. The updated DMP shall also include a consideration of how wind direction and speed shall be taken into consideration in ensuring that surrounding properties are not subject to dust nuisance, including provision of requirements to halt operations if and when necessary, and an independent monitoring programme to be carried out by a consultant under RBWM instructions. The amended DMP shall be implemented in full for Phases 3 - 9.

Reason: To protect the amenities of the area and prevent dust nuisance and to accord the NPPF, NPPW and Planning Practice Guidance.

- 10 Noting that an initial joint Highway Condition Survey between the applicant and Highways Authority has been approved under RBWM ref. 15/03236/CONDIT, upon completion of the development a second and final joint Survey shall be undertaken and the results submitted to the Local Planning Authority. Any highway defects attributed to the development or as agreed by both parties are then to be repaired by the developers at their expense.

Reason: To provide a basis for ensuring that any reasonable repairs to the highway are carried out following the cessation of extraction and restoration operations, as provided for by Section 59 of the Highways Act 1980.

- 11 Prior to works commencing within Phases 2 - 9, a revised plan of the facilities for wheel and underside chassis cleaning facilities and a water spray system to dampen down any dust that may arise in dry weather condition shall have been submitted to and approved in writing by the Local Planning Authority, and the approved facilities shall have been installed in accordance with the approved details and implemented. The details to be provided shall include soil bunds and other features correctly located outside the root protection areas of retained trees. The approved facilities shall then be maintained for the duration of the development and restoration of the site hereby permitted, and no commercial vehicle shall leave the site unless the wheels and the underside chassis have been cleaned to ensure that no materials including mud and debris are deposited on the public highway.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with Local Plan policies and advice within the NPPF / NPPW.

- 12 Visibility splays that achieve visibility for vehicles exiting the site of at least 4.5 metres x 160 metres shall be provided at the junction with Riding Court Road for the duration of the extraction

and restoration; dimensions are to be measured along the edge of the Riding Court Road carriageway at their points of intersection with the junction, and the areas within these splays shall be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level for the duration of operations at the site.

Reason: In the interests of highway safety and to comply with Local Plan T5.

- 13 The complaint procedure as approved in accordance with condition 13 of planning permission ref. 13/01667/FULL under RBWM ref. 15/02880/CONDIT shall be maintained for the duration of extraction and restoration operations at the site and until all plant and ancillary features have been removed.  
Reason: To prevent and resolve nuisance complaints and to comply with Local Plan policies and advice within the NPPF and NPPW.
- 14 Prior to the commencement of extraction operations, details shall have been submitted to and approved in writing by the Local Planning Authority of the establishment of a local liaison group that shall hold regular meetings between the operator and representatives of the local community to discuss any issues arising from the development. The approved details shall include a timetable of the intended frequency of meetings, attendees and the intended venue, and the approved details shall then be implemented as approved unless any variation is first approved in writing by the Local Planning Authority.  
Reason: To ensure that site operations are carried out in a way that takes into account the interests of neighbouring occupiers and provides a means of resolving any issues that may arise from operations, and to comply with advice within the NPPF and NPPW.
- 15 Operations at the site shall proceed only while the site access is retained as approved in accordance with condition 15 of planning permission ref. 13/01667/FULL under RBWM ref. 15/02882/CONDIT, and no other access shall be used by vehicles entering or exiting the site.  
Reason: In the interest of highway safety and safeguarding local amenity and to comply with RBWM Local Plan Policy T5, the Berkshire Replacement Minerals Local Plan (Incorporating the Alterations Adopted in December 1997 and May 2001) and the Waste Local Plan for Berkshire (adopted December 1998).
- 16 Heavy goods vehicle traffic to and from the site shall be solely along the route identified for Preferred Area 11 in the Replacement Minerals Local Plan for Berkshire, namely via Riding Court Road to the east of the site entrance and Ditton Road to the A4. No other access route to and from the site shall be used by heavy goods vehicles associated with the development.  
Reason: In the interests of highway safety and to comply with Local Plan policy T5, the Replacement Minerals Local Plan for Berkshire P11.7 (under Preferred Area 11) and advice within the NPPF and the NPPW.
- 17 A record shall be maintained at the site office of all movements in and out of the site by heavy goods vehicles, including the vehicles' weight (loaded and unloaded), the material being carried, registration number and the time and date of the movement. This record shall be made available for inspection by the Local Planning Authority on demand at any time.  
Reason: To allow the Local Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply with Local Plan policy T5 and advice within the NPPF and NPPW.
- 18 The output of mineral from / total amount of material leaving the site shall not exceed 400,000 tonnes per annum and infill to the site shall not exceed 215,000 tonnes per annum.  
Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development, to comply with Local Plan policies and advice within the NPPF and NPPW.
- 19 Traffic movements into and out of the site by heavy goods vehicles shall be consistent with the vehicle movements set out at Table 4.1 in the Mayer Brown Supplementary Transport Assessment (September 2014) which was submitted as part of Volume 4: Supplementary to Planning Application and Environmental Statement - Regulation 22 Response.  
Reason: In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highways users in accordance with Relevant Policies - Local Plan T5; Berkshire Replacement Mineral Plan.

- 20 No loaded HGV's shall leave the site unsheeted.  
Reason: In the interests of highway safety and safeguarding local amenity and to comply with Local Plan policies and advice within the NPPF / NPPW.
- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) 2015 (or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the vehicular access entrance unless they open inwards from the public highway towards the site and be set back a minimum distance of 15 metres from the highway boundary, measured at the back of the footpath.  
Reason: In the interests of highway safety and to comply with Local Plan policies and advice within the NPPF and the NPPW.
- 22 The buildings, structures and ancillary operational built features associated with the development shall only be constructed in accordance with the details approved in accordance with condition 22 of planning permission ref. 13/01667/FULL under RBWM ref. 15/02883/CONDIT and shall be maintained as such for the duration of relevant phases of extraction and restoration operations at the site, unless otherwise approved in writing by the Local Planning Authority.  
Reason: For the avoidance of doubt, in the interests of visual and landscape amenity. Relevant policies - Local Plan DG1, GB1, GB2, N6, HG1, LB2 and CA2.
- 23 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference number J2962/1, revision 3, dated August 2014, the recommendations set out in Chapter 10 of the Environmental Statement, dated May 2013 and the following mitigation measures detailed within the FRA:
- (i) Soil storage bunds will be located outside flood zone 3b (functional flood plain - 5% AEP) and will be grassed to reduce any surface water runoff and swales constructed at the foot of their outer slopes;
  - (ii) Culverts will be placed at 25 metre intervals along portions of the base of the soil bunds within flood zone 3 (1% AEP with a 20% allowance for climate change). For portions of bunds in flood zones 2, this interval will be 50 metres;
  - (iii) To manage residual risks routine inspections of the bunding, the swales and the culverts will be undertaken to ensure that these are intact and functioning correctly;
  - (iv) The plant site and access road shall be located in flood zone 1 and will comprise of natural gravel base to allow for drainage. Runoff from roof and access roads will be to soakaway;
  - (v) Any field conveyor shall be constructed on legs to avoid any flood water flow route obstruction;
  - (vi) A flood management plan and evacuation plan will be prepared and supplied to all members of staff and visitors for the duration of the operations work at the site;
  - (vii) Spillway(s) for the proposed waterbody shall divert excess runoff back to the Datchet Common Brook. The design should ensure that the rate of outflow does not increase flood risk downstream of the waterbody.
- The mitigation measures in (i) and (ii) above shall be fully implemented prior to completion of the bunds and culverts in each phase and (iii) - (vii) shall be fully implemented in accordance with the timing / phasing arrangements embodied within the scheme, unless any variation of these arrangements are first agreed in writing by the Local Planning Authority.
- Reason: It seeks to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in order to ensure that flood risk onsite or elsewhere is not increased and to reduce the risk of flooding elsewhere by ensuring that satisfactory compensatory storage of flood water is provided. Relevant policies - RBWM Local Plan F1, paragraph 103 of the National Planning Policy Framework (NPPF), the Berkshire Replacement Minerals Local Plan (Incorporating the Alterations Adopted in December 1997 and May 2001), and the Waste Local Plan for Berkshire (adopted December 1998)
- 24 No lighting for each phase of extraction and restoration, including security lighting, shall be erected or installed until details of location, height, design, sensors, and luminance have been submitted to and approved in writing by the Local Planning Authority. The details shall be

sufficient to demonstrate that the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways and will be in accordance with the Zone E2 (Rural) light levels at Table 2 in the ILP publication 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'. The lighting shall thereafter be erected, installed and operated in accordance with the approved details for the duration of the extraction and restoration, and removed in its entirety on the completion of restoration, unless any retention is provided for in the post-restoration management plan provided for in the Section 106 agreement that was completed in association with this permission.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area and in the interests of highway safety), in the interests of mitigating the impact on bats and to comply with Local Plan Policy NAP3 and advice within the NPPF and NPPW.

- 25 Other than lighting provided for security purposes or in emergencies, no operations and / or activities (including site preparation, restoration, use of plant, equipment and / or machinery or other vehicle movements, and the maintenance or repair of plant, equipment and / or machinery) shall be carried out other than during the following times:

- (i) 07:00 to 18:00 hours Monday to Friday; and
- (ii) 07:00 to 13:00 hours on Saturdays.

No operations and activities associated with the development may take place outside these times, and no such operations and activities may take place on Sundays, Bank and Public Holidays.

Reason: In the interests of limiting the effects on local amenity and to control the impacts of the development. Relevant policies - Local Plan policies NAP3, Berkshire Replacement Minerals Local Plan (Incorporating the Alterations Adopted in December 1997 and May 2001), the Waste Local Plan for Berkshire (adopted December 1998), and advice within the NPPF and the NPPW.

- 26 Reversing alarms for use on earth-moving vehicles (including all vehicles used for movement of minerals and mineral products within the site), shall be used only in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority, and the working layout shall be arranged so as to allow vehicles that are not fitted with reversing alarms to turn without the need to reverse.

Reason: To protect the amenity of the area and prevent nuisance arising from noise and to accord with the Local Plan Policy NAP3.

- 27 All plant, equipment and machinery shall comply with current noise emission / silencing standards and shall be maintained in good working order at all times. Any breakdown or malfunctioning of any plant, equipment and / or machinery that results in increased noise and / or dust emissions shall be dealt with promptly, with its use to be adjusted or suspended to ensure full compliance with the noise and dust controls in this permission until the breakdown or malfunctioning is made good.

Reason: To protect the amenity of the area and prevent nuisance arising from noise and to accord the NPPF, NPPW and Planning Practice Guidance.

- 28 Noise monitoring checks shall be undertaken to validate predicted noise levels at each noise-sensitive property, as identified in the Noise Assessment and subsequent Technical Note. The monitoring is to ensure compliance with noise limits, set out in the above condition, throughout the phased operations and preparation of the site. Any breaches of the noise limits shall be notified to the Local Planning Authority with immediate effect and shall include details of the corrective action/s taken or proposed to resolve the breach. Any corrective action/s taken shall be retained for the duration of the activities.

Reason: To protect the amenity of the area and prevent nuisance arising from noise and to accord the NPPF Technical Guidance.

- 29 The Noise levels due to site operations and site preparation must not exceed following limits at each noise-sensitive property identified in the Noise Assessment and subsequent Technical Note (as submitted for the application and in the EIA Regulation 22 additional information). Maximum noise Levels for site operations shall be no higher than 55 dB(A) and for site preparation no higher than 70 dB(A) at each of the following noise-sensitive properties; all noise levels are measured as dB(A)LAeq, 1hr (free field):

- (i) Riding Court - Tree Tops (dwelling);



- (ii) Riding Court House (offices);
- (iii) London Road;
- (iv) Whites Lane;
- (v) Castleview Road;
- (vi) Blenheim Road;
- (vii) CA Technologies, Ditton Park;
- (viii) CA Nursery Outdoor Facilities; and
- (ix) CA Technologies Tennis Court.

Site operations include noise emanating from plants, equipment, machinery and vehicles using the access road.

Site preparation (short-term activities) includes creation of access road, soil stripping, bund formation, restoration work and shall not exceed a total of eight weeks in any calendar year.

Reason: To protect the amenity of the area and prevent nuisance arising from noise and to accord with Planning Practice Guidance.

- 30 The waste water from the site wheel wash area must be connected to a foul water drainage system or be collected in a sealed tank and disposed of at a suitably licensed waste facility.

Reason: This condition is sought in accordance with paragraph 109 of the National Planning Policy Framework (NPPF) and the European Water Framework Directive (WFD). Water from the wash will contain sediment and oil from vehicles and if not satisfactorily managed the contaminated wastewater will cause deterioration in water quality. This would be contrary to the WFD.

- 31 Any contamination that is found at any time during the implementation of this permission must be reported in writing immediately to the Local Planning Authority and development must be halted on that part of the site affected by the unexpected contamination until a site characterisation study in accordance with (1) below has been undertaken, the details in (2) and (3) have been submitted to and approved in writing by the Local Planning Authority, and the approved measures in each step have been undertaken, other than where the approved measures provide for a longer term timetable as part of the on-going Monitoring and Maintenance Scheme:

1. Site Characterisation:

An investigation and risk assessment of the nature and extent of the contamination and whether or not it originates within the site, to include:

- (i) A survey of the extent, scale and nature of contamination.
- (ii) An assessment of the potential risks to:
  - human health;
  - property including buildings, crops, livestock and adjoining land;
  - groundwaters and surface waters;
  - ecological systems; and
  - archaeological sites and ancient monuments.
- (iii) An appraisal of remedial options, and proposal of preferred option(s).

2. Remediation Scheme:

The Site Characterisation shall then be used to inform a detailed Remediation Scheme that sets out how the affected part of the site will be remediated to a condition suitable for its intended use(s) by removing unacceptable risks to human health, buildings and other property and to the natural and historical environment, and ensure that the affected area will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Details to be submitted shall include:

- (i) details of all works to be undertaken;
- (ii) the proposed remediation objectives and criteria;
- (iii) a timetable for works to be undertaken; and
- (iv) site management procedures.

The Remediation Scheme shall be submitted to and approved in writing by the Local Planning Authority.

3. Implementation of Approved Remediation Scheme, Verification Report and Monitoring and

Maintenance Scheme:

Prior to the resumption of operations within the affected part of the site the approved Remediation Scheme shall have been implemented in full in accordance with the approved details, and the following reports shall then have been submitted to and approved in writing by the Local Planning Authority:

(i) A Verification Report that demonstrates the effectiveness of the remediation carried out; and

(ii) A Monitoring and Maintenance Scheme that sets out details for monitoring the long-term effectiveness of the proposed Remediation Scheme and includes provision for follow-up report(s) in accordance with (4) below.

Following the approval of these details, the Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

4. Further reporting of long term monitoring and maintenance:

Follow up reports on long-term monitoring and maintenance that demonstrate that the remediation objectives have been achieved and that the monitoring and maintenance carried out has fulfilled its objectives shall be submitted to and approved in writing by the Local Planning Authority, in accordance with the details approved in (3)(ii) above. Any additional maintenance required in the further report(s) shall then be carried out as approved.

All of the above measures shall be carried out in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policies - Local Plan NAP4, the Berkshire Replacement Minerals Local Plan (Incorporating the Alterations Adopted in December 1997 and May 2001), the Waste Local Plan for Berkshire (adopted December 1998), and advice in the National Planning Policy Framework, the National Planning Policy for Waste and the Waste Management Plan for England, (NPPF, NPPW and WMPE).

32 The development shall only be implemented in accordance with the reptile mitigation strategy that was submitted to and approved in writing by the Local Planning Authority under reference 15/02874/CONDIT, in accordance with condition 32 of planning permission ref. 13/01667/FULL unless otherwise approved in writing. As noted in Informative 10 of the Decision Notice for that permission, provision of further habitat enhancements should ideally be provided, which have first been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved mitigation strategy and enhancement measures.

Reason: In the interests of wildlife protection and to mitigate any adverse impact on the reptile population within or around the site and enhance reptile habitat. Relevant policies - the Berkshire Replacement Minerals Local Plan (Incorporating the Alterations Adopted in December 1997 and May 2001), the Waste Local Plan for Berkshire (adopted December 1998), and advice in the National Planning Policy Framework and the National Planning Policy for Waste.

33 The development shall be implemented during its first year in accordance with the first annual water vole assessment that was submitted to and approved in writing by the Local Planning Authority under reference 15/02874/CONDIT, in accordance with condition 33 of planning permission ref. 13/01667/FULL. Following that, on-site ditches and streams shall be reassessed annually throughout the period of extraction to confirm that these habitats remain unsuitable for water voles and / or to confirm the continued absence of this species, and the results of these surveys shall be submitted to and approved in writing by the Local Planning Authority. In the event that the protected species are encountered details of necessary mitigation shall be submitted to and approved in writing by the Local Planning Authority. Any necessary mitigation shall be retained thereafter in accordance with the approved details.

Reason: In the interests of wildlife protection and to mitigate any adverse impact on the water vole and dormice population within or around the site. Relevant policies - the Berkshire Replacement Minerals Local Plan (Incorporating the Alterations Adopted in December 1997 and

May 2001), the Waste Local Plan for Berkshire (adopted December 1998), and advice in the National Planning Policy Framework and the National Planning Policy for Waste.

- 34 No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations should take place during the period of 1st March to 31st August inclusive, unless a survey has been undertaken by a suitably qualified ecologist to confirm that there are no nesting birds within the relevant vegetation and the survey's results have first been submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of wildlife protection and to mitigate any adverse impact on the bird population within or around the site. Relevant policies - the Berkshire Replacement Minerals Local Plan (Incorporating the Alterations Adopted in December 1997 and May 2001), the Waste Local Plan for Berkshire (adopted December 1998), and advice in the National Planning Policy Framework and the National Planning Policy for Waste.
- 35 An unworked margin of 20m from the top of mineral excavation to the M4 highway boundary (the fenceline) and with a maximum 1 in 2 slope angle shall be maintained throughout the lifetime of this development.  
Reason: To ensure that the development does not compromise the safe and efficient operation of the M4 motorway. Relevant policies - Local Plan T5.
- 36 Landscaping shall be carried out in accordance with additional details that have first been submitted to and approved in writing by the Local Planning Authority, as follows:  
(i) Notwithstanding the exclusion of the oak tree protected by Tree Protection Order 002 / 2015 from drawing no. P1/869/12, landscaping within the area identified for long-term aftercare shall be in accordance with the details set out in drawing no. P1/869/8A, with the addition of specimen tree planting as indicated on that drawing but not included within the planting schedule. All planting shall have been completed by the end of the planting season following cessation of infilling, and replacement planting of any tree or shrub planted in accordance with these details shall be as set out in the post-restoration management plan provided for in the section 106 agreement in connection with this permission.  
(ii) Within the area identified for agriculture and subject to a five-year aftercare in accordance with the above condition, details of additional landscape planting shall have been submitted to and approved by the Local Planning Authority prior to completion of the final restoration of phases 2, 3 and 4, and the planting shall then be completed in the first planting season following the completion of the relevant phases. For phases 2, 3 and 4, the details shall include additional planting along the south western side of those phases (the boundary with the motorway), unless motorway operations require some other timing for such planting which shall then also be agreed in writing. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.  
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1; Replacement Berkshire Minerals Local Plan and the Berkshire Waste Local Plan, and with advice within the NPPF and the NPPW.
- 37 An Aftercare Scheme and Landscape Management Plan detailing the steps that are necessary to bring the land to the required standard for agriculture, amenity and woodland use shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of Phase 1 of the infilling and the placement of soils for the purpose of restoration works on site. The submitted Aftercare Scheme and Landscape Management Plan shall:  
(i) Provide an outline strategy for the five year aftercare period. This shall specify steps to be taken and the period during which they are to be taken.  
(ii) In the case of agriculture, the scheme shall include provision of a field drainage system and provide for an annual meeting between the applicants and the Local Planning Authority. Notwithstanding the exclusion of the oak tree protected by Tree Protection Order 002 / 2015 from drawing no. P1/869/12, levels for final restoration shall be in accordance with those shown on that plan and, for the avoidance of doubt, shall be calibrated where necessary against natural

ground levels as shown in the RMC Aggregates Ltd borehole logs and mapped in drawing no. RCF\_WORKBNDY\_041110 submitted with the planning application.

(iii) Prior to the removal of trees from the advance screen planting as shown on drawing no. P1/869/8A, details of trees to be removed and retained shall have been submitted to and approved by the Local Planning Authority.

The development shall be implemented in accordance with the approved aftercare scheme, unless the Local Planning Authority has first agreed in writing to a variation on the approved details including timing.

Reason: To ensure the satisfactory restoration of the site for agriculture / amenity / woodland. Relevant policies - the Berkshire Replacement Minerals Local Plan (Incorporating the Alterations Adopted in December 1997 and May 2001), the Waste Local Plan for Berkshire (adopted December 1998), and advice in the National Planning Policy Framework and the National Planning Policy for Waste.

38 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery, except as detailed on the approved plans, or approved by the conditions of this permission, shall be erected, extended, installed or replaced on the site without the prior approval of the Local Planning Authority.

Reason: Because the site is in the Green Belt and in the interests of the openness of the Green Belt and the setting of the historic parkland. Relevant Policies GB1 and HG1.

39 There shall be no transportation of soils, including overburden, from the site unless otherwise first approved in writing by the Local Planning Authority. Importation of bulk materials other than for restoration purposes shall be limited to cement and specialist sands required for the manufacture of concrete.

Reason: To ensure that no additional heavy goods vehicle movements and resulting highways impacts result from the operations at the site, over and above those have been assessed in the Environmental Statement and considered by the Local Planning Authority .

40 In the event that the operations are terminated or suspended for a period in excess of two years, the excavated area and other operational land shall be restored in accordance with a revised scheme of restoration that has first been submitted to and approved by the Local Planning Authority. Unless otherwise approved in writing, the revised scheme of restoration shall be completed as approved within twelve months of the details having been approved.

Reason: To enable the Local Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use and to comply with Local Plan policies and advice within the NPPF and the NPPW.

41 In the event that extraction does not proceed for Phase 7, no extraction on Phases 8 and 9 shall commence until an amended scheme of phasing has been submitted to and approved in writing by the Local Planning Authority.

Reason: To provide for a proper assessment of the completion of the restoration of the site within the approved timescale in the interest of the amenities of the area. Relevant Policies - Berkshire Replacement Minerals Local Plan (Incorporating the Alterations Adopted in December 1997 and May 2001), the Waste Local Plan for Berkshire (adopted December 1998), and advice in the National Planning Policy Framework and the National Planning Policy for Waste.

42 Extraction of minerals shall cease no later than six years following the commencement of Phase 1 mineral extraction, (this will be defined by the sixth anniversary of the commencement date as notified in accordance with condition 2 of this permission). All buildings / structures / roads / plant / hardstanding machinery and any other ancillary structures or surfaces used in connection with the permitted mineral extraction, other than any roads and plant that are required to remain in place until the site has been fully restored, shall be removed within four months of the cessation of extraction unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure development is carried out in accordance with submitted application and approved details, and to minimise the duration of disturbance from the development hereby permitted and to comply with Local Plan policies and advice within the NPPF and the NPPW.

43 The final phase of landfilling with inert material hereby permitted shall cease within 12 years of

the date of commencement of development as notified by condition 1, and the site shall be restored within twelve months of the achievement of final tipping levels, whichever date is the earlier, in accordance with the relevant conditions of this planning permission, unless otherwise approved in writing by the Local Planning Authority.

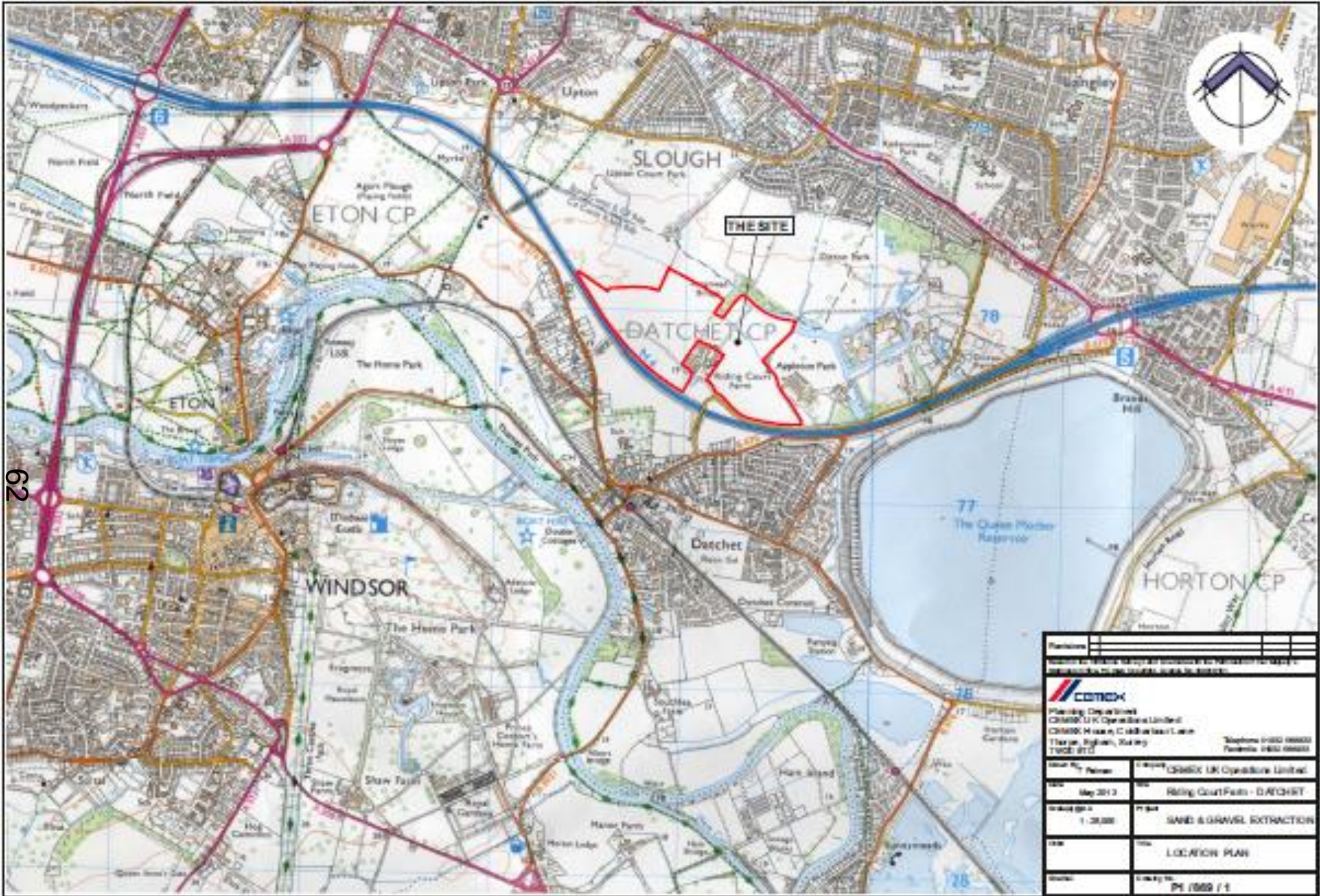
Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interest of the amenities of the area and to comply with Local Plan policies and advice within the NPPF and the NPPW.

- 44 Potential aircraft hazard that might otherwise be caused by birdstrike shall be managed in accordance with the Heathrow Airport Safeguarding Area - Birdstrike Assessment: Updated Assessment - Appendix 11 Regulation 22 Response dated September 2014.

Reason: To ensure that the development does not increase risk of birdstrike, in accordance with advice in the Berkshire Replacement Minerals Local Plan, the Waste Local Plan for Berkshire and the NPPF and NPPW.

- 45 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.

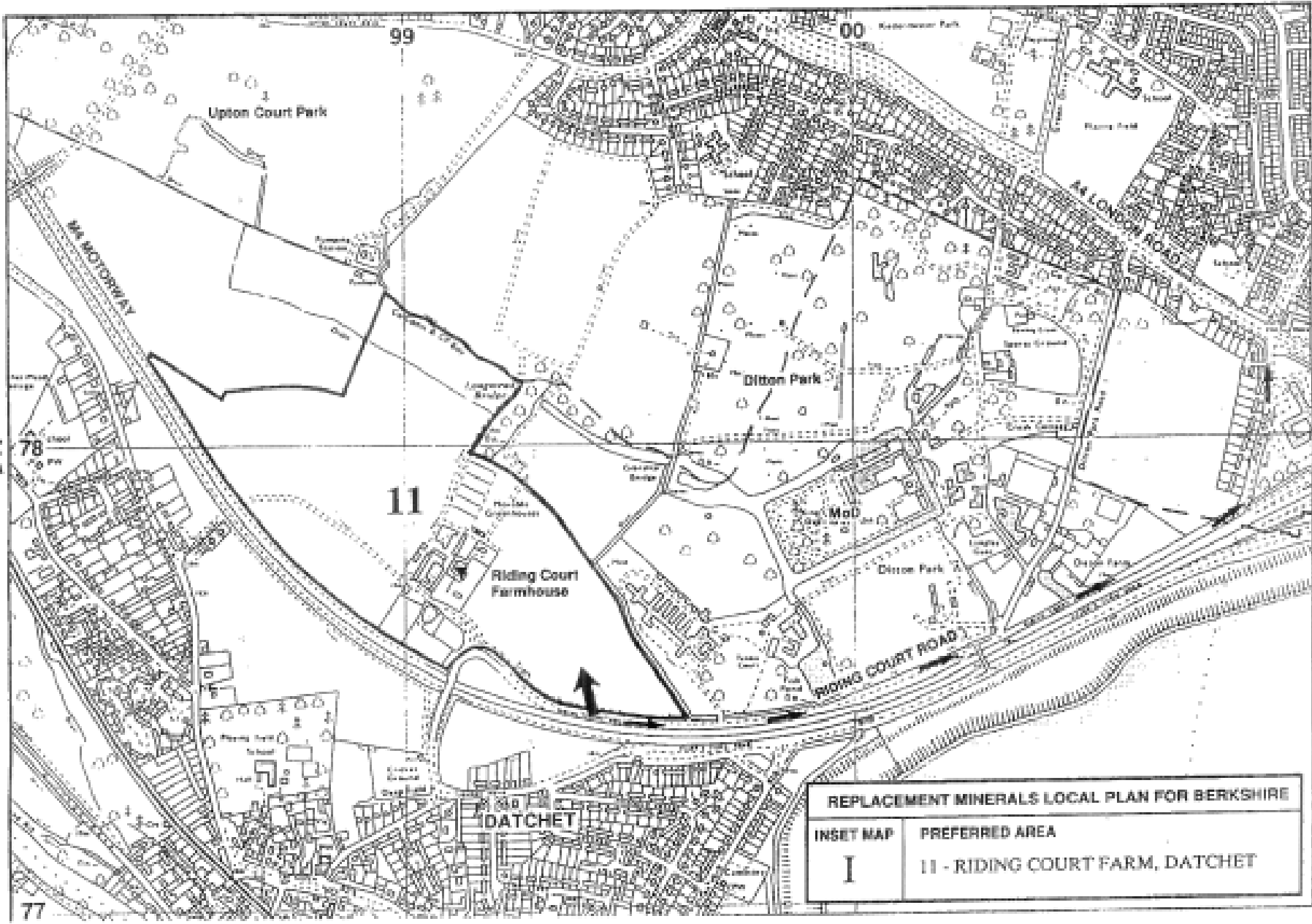


Planning Department COMBIX UK Operations Limited COMBIX House, 100 Old Street, London The City, London, EC1A 3DF T: 020 7460 1000 F: 020 7460 1001 E: info@combig.com	
Issue No: 001 Date: May 2013 Scale: 1:20,000 Author: PE (MS) / 1	Project: COMBIX UK Operations Limited Title: Rating Court Plans - DATCHET Drawing No: SAND & GRAVEL EXTRACTION Title: LOCATION PLAN

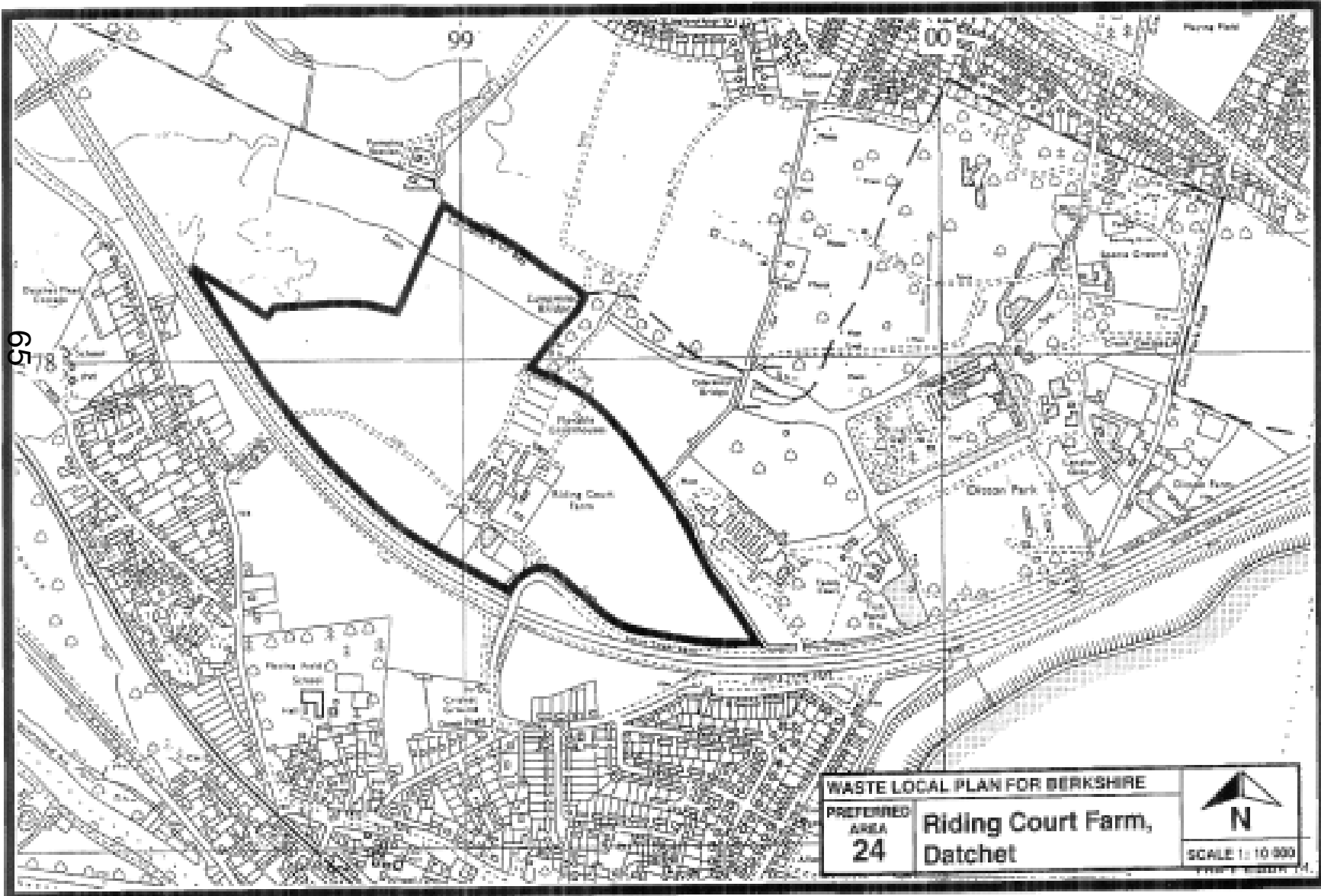


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Planning Department 10000 Harbor Blvd., Suite 100 Orange, CA 92668 (714) 951-2000	Project No. 2014-0001 Date: 11/10/14
Title: <b>SEWER LIFT STATION</b> Location: <b>SEWER LIFT STATION</b> Scale: <b>AS SHOWN</b>	Drawing No. <b>SEWER LIFT STATION</b> Date: <b>11/10/14</b>
Designer: <b>SEWER LIFT STATION</b> Checker: <b>SEWER LIFT STATION</b> Approver: <b>SEWER LIFT STATION</b>	Date: <b>11/10/14</b> Scale: <b>AS SHOWN</b>







65

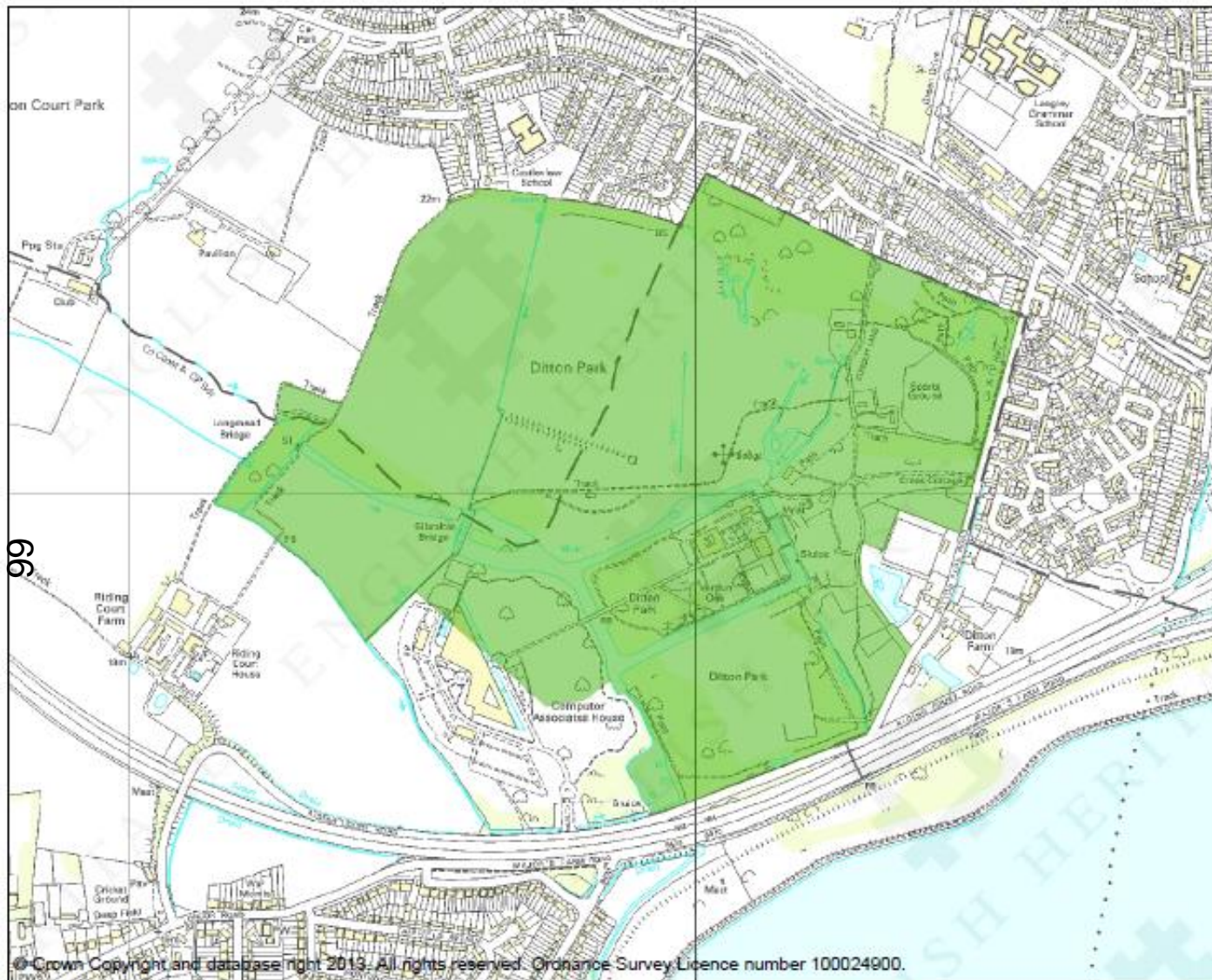
WASTE LOCAL PLAN FOR BERKSHIRE

PREFERRED  
AREA  
24

Riding Court Farm,  
Datchet



SCALE 1:10,000



Heritage Category: Park and Garden  
 List Entry No : 1001290  
 Grade: II

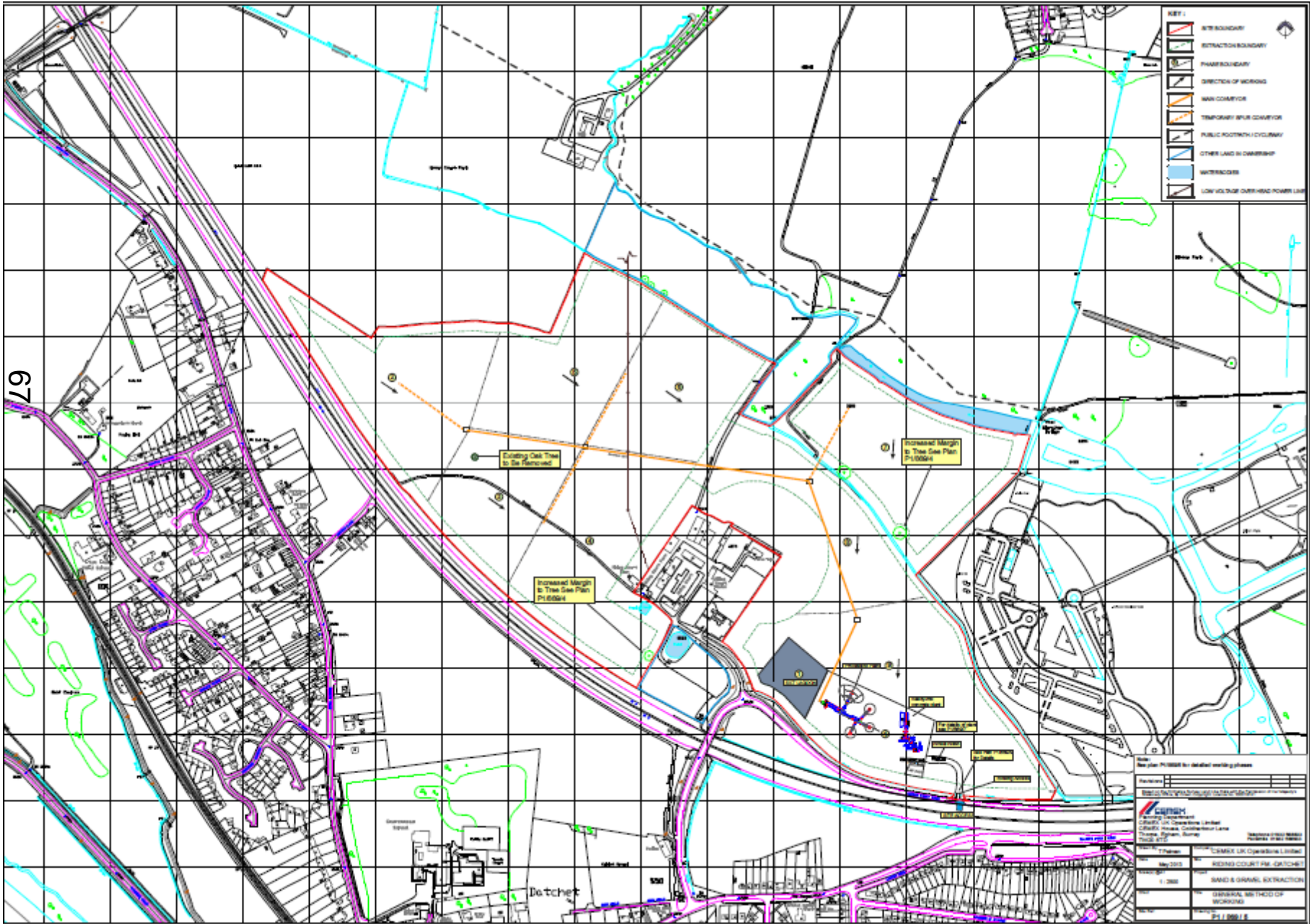
County:  
 District: Windsor and Maidenhead, Slough  
 Parish: Datchet, Non Civil Parish

Each official record of a registered garden or other land contains a map. The map here has been translated from the official map and that process may have introduced inaccuracies. Copies of maps that form part of the official record can be obtained from English Heritage.

This map was delivered electronically and when printed may not be to scale and may be subject to distortions. The map and grid references are for identification purposes only and must be read in conjunction with other information in the record.

List Entry NGR: SU 99858 78078  
 Map Scale: 1:10000  
 Print Date: 20 August 2013

# Phase 1





**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD  
PLANNING COMMITTEE**

**WINDSOR URBAN DEVELOPMENT CONTROL PANEL**

25 February 2015

Item: 1

<b>Application No.:</b>	13/01667/FULL
<b>Location:</b>	Land At Riding Court Farm Riding Court Road Datchet Slough
<b>Proposal:</b>	Extraction of sand and gravel at Riding Court Farm. Erection of processing and ready mixed concrete plants and associated infrastructure. Creation of new access and restoration of the site to agriculture and two landscaped water areas by the importation of inert restoration material for a period of 12 years
<b>Applicant:</b>	Cemex UK Operations Ltd
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Datchet Parish

**If you have a question about this report, please contact:** Alistair De Joux on 01628 685729 or at [alistair.dejoux@rbwm.gov.uk](mailto:alistair.dejoux@rbwm.gov.uk)

**1. SUMMARY**

- 1.1 The proposal seeks permission for the phased extraction of gravel and sand over a period of six years, to re-locate a concrete production plant currently operating at Kingsmead Quarry, and to use that plant to process the minerals to be extracted at the application site. The minerals would be extracted in a phased programme, beginning with a small portion of the site on its south-eastern side near the Riding Court Road frontage (Phase 1), moving next to the western end of the site as Phase 2 and working back towards the eastern part of the site across in a total of nine phases. On-site processing would involve the production of both concrete and aggregates. The proposals also include a restoration plan that would involve infilling with inert, clean waste materials land as the phased mineral extraction proceeds. The site will be restored for mainly to agricultural use, with a waterbody and wetland in the south-eastern part of the site. This area will then be available to the public, with the proposals providing for pedestrian routes around this landscaping part of the site.
- 1.2 The site is made up of land that is subject to two key designations, which result in different policy contexts for the consideration of the two separate parcels of land. These are as follows:
- (i) The larger part of the site is within an area identified within the Replacement Minerals Local Plan for Berkshire as a preferred minerals extraction area; the same parcel of land is identified in the Waste Local Plan for Berkshire as a preferred waste treatment site.
  - (ii) A smaller area of land, amounting to 5.5 ha, is subject to the Grade II registered historic park designation covering Ditton Park. This land is currently a separate field, within the north-western part of the application site, but is outside the land identified in the Minerals Plan and Waste Local Plan for minerals extraction. If permitted, it would make up Phase 7 of the proposals.
- 1.3 The proposed mineral extraction and proposed filling with inert wastes for restoration purposes, together with the processing of the mineral resource within the site, are considered to be acceptable uses of the land within the preferred minerals / waste site in the Development Plan documents noted above.
- 1.4 However, there is a presumption against these uses of the land within the historic park designation; the NPPF advises that:
- ... in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing*

*justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.*

- 1.5 The framework further advises that where a development proposal will lead to “less than substantial harm” to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The acceptability of mineral extraction and inert waste landfilling therefore rests on whether or not the harm caused is “substantial” or not; the arguments are finely balanced, but it is noted that other development within the historic park designation within the past two decades has also resulted in very significant heritage impacts. While this cannot justify further “substantial” harm, it could justify further harm that is of a less substantial nature.
- 1.6 The proposals are of a scale and potential impact that requires Environmental Impact Assessment (EIA) as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (“the Regulations” in the report). The results of the EIA were incorporated into an Environmental Statement (ES) that was submitted with the application.
- 1.7 The proposals were first consulted on following the submission of the application and ES in 2013. Officers identified that further information was needed on a range of key areas. The additional information was requested in accordance with EIA Regulation 22, and was submitted as an Addendum to the ES in October 2014, when it was again consulted on. A wide range of impacts are identified and considered in both the original ES and the Addendum. These are listed in the Technical Summary below.
- 1.8 The restoration programme would commence early in the lifecycle of the development. It provides for:
  - (i) Stripping soils from over the mineral deposits with the better quality stripped soils to be stored in temporary bunds, commencing in the first year of operations.
  - (ii) Following the working out of each phase of extraction, in-filling with inert waste and topping with the soils from temporary bunds. The soils used would come largely from those stored from the previous phase of extraction. The majority of excavated areas would be restored to the natural ground levels and the land returned to agriculture. This would commence in the second year of operations and extend through to the eleventh year.
  - (iii) Land within the Grade II registered historic park designation covering Ditton Park would be restored to recreate the historic landscape as recorded in nineteenth century maps.
  - (iv) In the south-eastern part of the site, infilling would be to below existing ground levels to allow for the creation of a waterbody and wetland within this area.
- 1.9 The proposals also provide for a twenty-five year programme of aftercare, following the completion of restoration. Public access would be opened up over the eastern part of the site, covering the wetland and its surrounds and the historic parkland, to provide pedestrian access between the public footpath to the north and Riding Court Road. The open space that would be provided is a significant public benefit of the proposals.
- 1.10 The proposals have the potential for a range of impacts on its surroundings, including other aspects of the historic environment, dust and noise, and traffic movements. These have been considered in detail within this report, and are also summarised in Section 3 of this report. On balance, and subject to the retention of a prominent protected tree, the mitigation proposed in regard to the use of land identified as a preferred area within the Minerals and Waste Local Plans for Berkshire are acceptable. However, it has not been conclusively demonstrated that sufficient mitigation has been provided to allow for extraction in the historic park land. It is considered that it would need to be conclusively demonstrated that this land could be properly reintegrated back into the historic landscape for the extraction of minerals and subsequent restoration by infilling to be allowed within this part of the application site.

<b>It is recommended the Panel authorises the Director of Development and Regeneration:</b>	
1.	<b>To grant planning permission on the satisfactory completion of an undertaking to provide for (i) adherence to the selected travel route, (ii) additional provisions for Phase 7 to require its proper reintegration with Ditton Park, and (iii) for the aftercare of the whole site, with the conditions listed in Section 11 of this report.</b>
2	<b>To refuse planning permission if an undertaking has not been satisfactorily completed by 30<sup>th</sup> June 2015 that would to provide for adherence to the selected travel route and / or additional provisions for Phase 7 to require its proper reintegration with Ditton Park and / or for the aftercare of the site, for the reason that the transport impacts and restoration of the proposed development would result in unacceptable impacts that cannot be satisfactorily controlled by conditions.</b>

## 2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Director of Development and Regeneration delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

## 3. EXECUTIVE SUMMARY

- 3.1 The proposal is of a scale and potential impact that requires Environmental Impact Assessment (EIA) under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and 2011 ("the EIA regulations"). The results of the EIA were incorporated into an Environmental Statement (ES) that was submitted with the application, and a copy has been provided to the Secretary of State (via the National Planning Casework Unit) as required by the regulations. The matters discussed below are also considered within the Environmental Statement.
- 3.2 The proposal is a Schedule 1 as defined by the EIA regulations, which in the case of mineral extraction activities applies to all developments of 25 hectares or larger.
- 3.3 The ES details the assessment of the significant impacts of the development at each stage i.e. construction of plant and access roads, extraction operations and restoration phases It identifies the current situation (known as the baseline), the nature of the impacts and the measures to mitigate and limit the impacts in each case. The following topic matters have been the subject of the EIA process.
- Landscape and Visual Impact
  - Hydrogeology
  - Transport
  - Flood Risk
  - Tree Impacts
  - Noise, including traffic noise
  - Air Quality (traffic)
  - Agricultural Land Quality
  - Air Quality (dust)
  - M4 motorway stability
  - Cultural Heritage and Datchet Conservation Area
  - Ecology
  - Archaeology
  - Lighting
  - Birdstrike
- 3.4 As also required by the EIA Regulations, a Non-Technical Summary (NTS) has been produced, which summarises the results and conclusions of the EIA in non-technical language.

- 3.5 The matters noted above as form the scope of the assessments carried out by the applicant. They are considered in detail in Section 7 of this report, although the assessment there is set out against the criteria for assessing minerals applications in the National Planning Policy Framework and the National Planning Policy for Waste. The following summarises the findings against each of the criteria identified in the ES as submitted for the application:

#### Landscape and Visual Impact

- 3.6 A detailed visual impacts assessment was included in the Environmental Statement submitted with the application, and additional information was provided in accordance with EIA Regulation 22. For the purposes of assessment of the landscape impacts of the proposal, the assessment is considered to be largely acceptable. The impacts of the proposals would be largely temporary, with restoration to natural ground levels commencing from the second year of extraction. Controls over finished ground levels would be required if planning permission is granted, and retention of a protected oak tree is also recommended. Provided these measures are taken, landscape impacts would be acceptable.

#### Hydrogeology

- 3.7 The site is within a Source Protection Zone for the abstraction of potable water supplies, and this along with other hydro-geological impacts of restoration to agriculture by filling with inert waste were included in the Environmental Statement. Additional information was also provided in accordance with EIA Regulation 22. Information in the two submissions considered surface water flows, levels and quality; aquifer properties; and groundwater classifications, levels, flows and quality. It is noted that there are four water company abstraction licenses within 2 km of the Site, two of which are from groundwater and two from surface water. The closest, Datchet Pumping Station, is located about 400 m to the west.
- 3.8 The Environment Agency (EA) objected to the application as submitted, but withdrew that objection on consideration of the Regulation 22 submission. As there was no specific advice on hydrogeology in their most recent letter, further advice is sought from the EA on this matter.

#### Transport

- 3.9 The application was accompanied by a Transport Assessment (TA) which details the extent of traffic movements required for the proposals, four options for routeing HGVs, and suggests road improvement measures and mitigation that would need to be undertaken. Additional information provided in the Regulation 22 request has expanded on this in a Supplementary Transport Assessment (STA). Two of the four options have been assessed in more depth, and it is considered that the temporary transport effects from either proposal can be satisfactorily absorbed in the existing highway network, provided that certain highway improvements are carried out for the option that is selected.

#### Flood Risk

- 3.10 Sand and gravel extraction is classed as 'Water compatible' and in flood risk terms it is therefore considered to be appropriate within Flood Zones 1, 2 and 3. Key impacts considered on this issue within the ES are principally related to the placement of soil bunds, which could impact on flow paths and flood plain storage. These bunds are proposed to mitigate noise impacts at the site, but would not all be in place at the same time as they are located around the various sub-areas as they are worked. They would then be removed as part of the restoration of each sub-area. The FRA notes that culverts or drains would be placed through the base of bunds where they are within floodable areas, and that the overall volume of flood storage at any one time would be increased due to the removal of soils and the "overburden" as each sub-area is worked.
- 3.11 Further information, including a sequential assessment of other sites that could be at lower risk of flooding, was submitted with the Regulation 22 submissions. The Environment Agency, which had objected to the initial submission, withdrawn their objection as a result. The impacts on flood risk and flood characteristics of the site is considered satisfactory.



### Tree Impacts

- 3.12 The proposals would retain and protect most of the trees at the site, although there is potential to impact on other large trees and hedgerows around the site if the 'standoffs' around them are of inadequate width. Removal of two trees is proposed, and one of these is a very large and prominent oak within the western part of the identified minerals / waste area. A tree protection order was recently placed on this tree, and if this is not challenged by the applicants then its protection will be automatic. Additional information on this and other tree impacts were provided in the Regulation 24 submissions. Provided this tree and the other trees and hedges around the site perimeters are properly protected, it is considered that the impacts of the scheme on trees would be acceptable.

### Noise, including traffic noise

- 3.13 Noise from vehicles and equipment within the site, and noise from road traffic generated by the development, were assessed in both the main ES and the Regulation 22 submissions. Recommendations were made for both; there would be little difference in the noise impacts from the proposed transportation route options outside the site.
- 3.14 Vibration impacts were also assessed and were not considered to constitute significant environmental impacts.

### Air Quality (traffic)

- 3.15 The implications of different operational traffic combinations were considered in both the main ES and the Regulation 22 submissions. It is not considered that significant differences would result between the routing options, and the report concluded that this should not be constrained on the basis of traffic air quality.

### Agricultural Land Quality

- 3.16 Agricultural soils on the site have been assessed as predominantly Grade 2 with most of the remainder of the site consisting of Grade 3 soils and a relatively small area (1.8 ha) as a Grade 1 soil. The existing soil resources would be conserved to retain the best quality topsoil on-site for restoration. It is considered that sufficient information on this aspect of the proposal was provided in the original ES to demonstrate that environment impact from this aspect of the proposal would be acceptable.

### Air Quality (dust)

- 3.17 Both the original ES and the Regulation 22 submissions have assessed dust impacts for the closest sensitive properties. The updated submission supports the original findings that it is highly unlikely that dust impacts would have any detrimental health impacts for neighbouring occupiers. An Environmental Permit would be required in associated with landfill operation that would require extensive measures for dust management and control. The impact of this potential environmental impact would therefore be adequately controlled. It is concluded that dust impacts of the proposals do not present any issues that cannot be properly controlled by conditions in the planning permission, which would work alongside the Environmental Permit regime.

### M4 motorway stability

- 3.18 The submissions included details of potential impacts on the stability of the M4 motorway, including details on distances from the edge of land controlled by the Highways Agency and the edge of the excavated area, and of the slope gradients within the excavations. The Highways Agency was consulted, and are understood to have met with the applicant to discuss the proposals.

### Heritage and Datchet Conservation Area

- 3.19 A number of designated and non- designated heritage assets have been considered, both within the original ES and in the Regulation 22 submissions. Part of the application site is designated Grade 2 historic parkland associated with Ditton Park, which abuts the site on its north-eastern side. Ditton House is a listed building that is set within Ditton Park; Riding Court House another listed building adjacent to the southern boundary of the site; the Datchet Conservation Area is 350m to the south at its closest point; and further afield is Windsor Castle about 1.4 km to the south-west, and Upton Court and Upton Village Conservation Area within Slough.
- 3.20 The ES including Regulation 22 submission identify harm to this designated land as less than substantial, whereas the Council has identified the harm as being substantial. On this basis, it is considered that the harm identified to this heritage asset is such that this aspect of the scheme - Phase 7 in the extraction and restoration proposals - could only permitted if it is conclusively demonstrated that the restored parkland will be incorporated back into the main part of Ditton Park on its restoration. If this cannot be achieved within the required timeframes, this part of the proposals should be withdrawn from the application before any planning permission is granted.
- 3.21 Impacts on the other designated heritage assets have been considered, and it is considered that any harm on these is less than substantial, or that there is no harm. The physical loss of non-designated heritage assets of local importance is also identified, and these also include the protected oak that is identified as a surviving hedgerow tree. The loss of most of these features would be justified by the positive aspects of the proposals, but it is considered that the protected former hedgerow tree should be retained. This can be accommodated within the proposals.

#### Ecology

- 3.22 An ecological assessment of the site was carried out and submitted, with further information via Regulation 22. This identifies that while areas of locally important habitat exist around the margins of the area to be excavated, the excavation areas themselves are limited to arable farmland where the potential for wildlife is limited. Further comments are awaited by the Council's ecologist, and subject to no further substantive issues being identified, it is considered that the proposals are acceptable in terms of their ecological impacts.

#### Archaeology

- 3.23 Reports within the ES and Regulation 22 submissions have established that there are unlikely to be buried archaeological remains of such significance within the historic park that would represent a major constraint on the proposal. Mitigation can be secured by way of an appropriate condition.

#### Lighting

- 3.24 Assessments of impacts of artificial lighting to be used during winter months and for after-hour security were submitted, and it is considered that the impacts of lighting can be controlled by movement sensitive switches and controls on the level of illumination.

#### Birdstrike / aviation safety

- 3.25 The proposals have been assessed from a safeguarding perspective as a Bird Hazard Management Plan would need to be put in place in order to ensure that the water body and wetland would not become a breeding ground for large birds that could constitute an air safety hazard.

#### 4. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 4.1 The site comprises just under 44 hectares (ha) of agricultural Green Belt land at Riding Court Farm and Ditton Park. It is located to the north of Datchet and immediately north of both the M4 motorway and Riding Court Road, and to the south of Slough. Within this total site area it is proposed to work an area of 34.3ha for the purposes of mineral extraction, followed by subsequent infilling of most of this area with inert waste as part of the post-extraction restoration programme. The irregular site boundary is partially defined by the location of the Riding Court Farm complex on its southern side, which is approximately square in shape, and consists of a range of buildings occupied by mainly by business occupiers along with a single residential dwelling 'Tree Tops' (please refer to Appendix A for location and site plans).
- 4.2 The larger part of the land to be worked (approximately 28.8 ha) is designated within the adopted Replacement Minerals Local Plan (BMLP) for Berkshire as an identified site for mineral extraction, known as 'Preferred Area 11' (or 'BMLP Area 11' in this report). The same land is also identified within the Berkshire Waste Local Plan (BWLP) as a Preferred Area 24 for waste treatment ('WLP Area 24' for the remainder of this report). As the two site allocations as identified in these two development plan documents are the same, they are also referred to within this report as 'the identified minerals / waste site'.
- 4.3 The remainder of the application site is to the north-east of the identified minerals extraction area, and comprises a large field that is included within the historic Grade II registered park designation covering Ditton Park. This land has essentially been fragmented from the rest of Ditton Park, which is immediately to the north and east, by reason of its separate ownership. The area identified for mineral extraction that is covered by this designation is 5.5ha. Appendix B consists of maps from the two minerals and waste Local Plan documents with a third map of Ditton Park, showing the extant of these designations within the application site area.
- 4.4 The site is within close proximity to Datchet, where the closest dwelling, apart from 'Tree Tops' which as noted above is within the Riding Court Farm complex, is immediately to the south of the M4 at 92 London Road. This is located approximately 60m from the closest point within which workings are proposed. Other nearby dwellings also to the south of the M4 are at Whites Lane and Slough Road (the B376), the closest of which are, 85m and 100m respectively from the area of proposed workings, and 200m at Manor Farm Road. The modern Computer Associates office building lies directly to the east of the site and is located at its closest point about 50m from the closest part of the proposed workings. Further to the north east, there is a relatively new housing development within Slough known as James Meadow.
- 4.5 Ditton House contains a number of listed structures, some of which are close to the application site. These are considered in more detail in Section 7 of this report. Ditton House, an early 19<sup>th</sup> Century Grade II listed house within Ditton Park, is 400m to the east of the site, while Datchet Conservation Area is 300m to the south. Also within the Riding Court Farm complex is the Grade II listed Riding Court House, which is now used as a commercial office, along with various other commercial buildings that are of no designated heritage value. Datchet Village Conservation Area is 350m from the worked area. Within Slough, Upton Court, a grade II\* listed medieval house and grounds, and Upton Park / Village Conservation Area approximately one kilometre to the north-west of the site.
- 4.6 The site is generally level although there is variation in height, it is located within Flood Zones 1, 2 and 3, resulting in parts of the site being subject to varying degrees of flood risk. The Datchet Common Brook forms part of the site's northern and eastern boundary, and crosses it along the line of the division between the minerals and waste 'preferred area' as noted at 4.2 above, along the line of an old hedgerow.
- 4.7 The site is within the Natural England Thames Valley Character Area No. 115 and within Landscape Character Area 13D of the RBWM Landscape Character Assessment. It comprises a largely open landscape with vegetation cover limited to irregular boundary hedgerows and mature linear boundary woodlands, some of which are within Ditton Park. This vegetation gives a good degree of cover and partial enclosure of the northern part of the site, although there are open views into the western part of the site particularly from the M4. Following the site's northern boundary from the westernmost point alongside the M4 and around to its easternmost point adjacent to Riding Court Farm these landscape features include a number of farm hedges

and areas of woodland of varying character. These include what may be an ancient hedge along the north-western boundary of the site, an area of young woodland that is within the BMP preferred minerals area but has been excluded from the application site, a mature woodland that is rectangular as shown on the site plan and is also excluded from the application site, and an area of riparian woodland alongside an ancient moat feature that is just outside the north-eastern section of site boundary; this is within Ditton Park. Continuing around this boundary there is another young woodland planting within the within the BMLP preferred minerals area alongside the site boundary with the modern Computer Associates building and grounds, which is itself within the Ditton Park designation, and moving south along this boundary more mature plantings within the Computer Associates grounds. These woodlands and hedges provide valuable screening and separation between the site and the recreational area of Upton Court Park, which includes the Sustrans cycle route just inside the Slough Borough Council boundary and beyond that various clubhouses, playing pitches, car parks and ancillary facilities associated with the Slough Rugby, Cricket and Hockey Clubs. The residential land at Langley lies beyond that, including as-yet undeveloped residential land that was subject to an outline planning permission granted in 2009 for housing on land to the north within Slough Borough.

- 4.8 Within the site area itself there are also some established hedge and tree features that are of note. These include a large veteran or ancient oak tree within the western part of the site, which forms a prominent landscape feature in this otherwise open field. This tree is subject to a very recently imposed Tree Preservation Order. It is visible from the Riding Court Road bridge where it crosses the M4, from the M4 itself, and from residential properties at Whites Lane on the south side of the M4. This tree is adjacent to the former alignment of Whites Lane as it existed prior to its being truncated by construction of the motorway. Three smaller oak trees are located on the north side of the Datchet Common Brook, just outside the main site boundary but also within the preferred minerals / waste area, and there is a further section of what may be ancient hedge that includes some larger trees in the hedgerow within the site that is noted at 4.7 above.

## **5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 5.1 The development proposed is for the extraction of approximately 2.1 million tonnes of minerals comprising processed sand and gravel, followed by restoration by infilling with inert waste to natural ground levels over most of the site. A landscaped water body and wetland within the south-eastern part of the site is also proposed as part of the site remediation.
- 5.2 The site is proposed in order to replace the applicant's current extraction and ready mixed concrete production operations at Kingsmead Quarry, and would involve relocating the existing plant and equipment from that site to Riding Court Farm along with the associated activities of operating of the batching plant that are currently carried out at Kingsmead. The plant and production area would be sited within the south-eastern part of the site with access from Riding Court Road.
- 5.3 Extraction of minerals is intended to take six years, with restoration to take a further six years resulting in the whole of the operations extending over a period of twelve years. These timeframes within this report are described therefore as Years 1 to 12. Sand and gravel extraction is proposed for Years 1 to 6 at a proposed rate of approximately 400,000 tonnes per year. Phased infilling and restoration operations would commence in Year 2, continue throughout the remaining five years during which the extraction and processing activities would take place and then continue for a further six years to Year 12. It is intended that this part of the operations would result in the importation of up to 2.24 million tonnes of inert waste as restoration material.
- 5.4 Restoration would be achieved in the following ways:
- (i) Top soils and subsoils lying over the sand and gravel deposits would be stripped from each phase area prior to extraction of minerals, and the better quality stripped soils stored in temporary bunds with some of the poorer quality sub-soils to be transported out of the site. This would commence in Year 1.
  - (ii) Following the working out of each phase of extraction, restoration would commence with infilling with inert waste as the underlying restoration material and, as each phase of in-filling is completed, soils would then be placed over the infilled areas. The majority of the excavated

areas would be restored to the ground levels existing prior to quarrying and the land would then be returned to arable agriculture, with some ancillary amenity and landscape plantings. This in-filling would commence in Year 2 and extend through to Year 11.

- (iii) Land within the Grade II registered historic park designation covering Ditton Park would be subject to a generally similar form of restoration, but with additional plantings to restore the features of the historic landscape as recorded in nineteenth century maps.
- (iv) In the south-eastern part of the site, infilling would be to below both existing ground levels and the water table, to allow for the creation of a waterbody and wetland within this area.

5.5 The proposals necessarily involve very significant heavy vehicle movements over the whole of this period along with additional traffic movements for staff and ancillary activities. Traffic movements for the purposes of bringing cement in to the batching plant from other locations, transporting the processed mineral products (both mixed concrete and aggregates) away from the site, and transportation of inert waste materials in for restoration process. For operations associated with the mineral processing and transport this would result in 91 Heavy Goods Vehicle (HGV) and 30 car movements per working day, while bringing inert waste in for restoration purposes would add a further 36 HGVs and two car movements per day. Taken together, this would result in traffic movements of 121 per day in Year 1, 159 traffic movements in Years 2 - 6 (127 HGVs and 32 cars), and 38 traffic movements for Years 7 - 12 . The higher traffic volumes in Years 2 - 6 would result from mineral processing and transport from the site proceeding simultaneously with the earlier restoration phases and the associated transportation of inert waste materials to the site being added to the movements resulting from transportation of aggregates and concrete away from the site.

5.6 A single site access is proposed, to be located 350m to the east of the existing access road entrance to the Riding Court Farm business complex and 300m west of the Computer Associates site entrance. The access is currently marked by an old farm gate, in the same position as previously approved in 1997, as noted here:

Ref.	Description	Decision and Date
94/00331/OBCM	Construction of new vehicular access in preparation for mineral extraction	Approved July 1997

5.7 The batching plant would be located in the south-eastern part of the site, with the Riding Court Farm business complex to the west and Computer Associates to the east. There is an existing belt of poplar trees along this road frontage, which would provide screening of the batching plant in views from the M4 and Datchet.

5.8 Following some initial extraction in the south-eastern part of the site where the processing plant would be located, the sequence of extraction and restoration would move to the western end of the site and then proceed generally back towards its eastern end, over the period sought for the permission. The general intended sequence of extraction and restoration is shown on a plan included with this report as Appendix C, which identified the phases within the development. The historic parkland is identified as Phase 7 within the proposals. The restoration of most of the site to agriculture would be completed after filling with inert waste by topping out with soils previously stripped from the extraction area. These would be stored in soil bunds around the site, and be moved along with the sequence of extraction and restoration to provide both visual and acoustic screening.

5.9 The sand and gravel deposits lie mainly within the natural groundwater table; it is not proposed to de-water the site prior to extraction, this means the natural water table would be exposed as the mineral is extracted and then remain open until each void created is refilled. The extracted aggregate would be fed to the processing plant by a field conveyor where it would be discharged onto stockpiles. Silt from the washing process would be discharged into settlement lagoons adjacent to the processing area, which would be incorporated into the larger of the two water bodies as part of the site restoration. The ready mixed concrete plant would be fully enclosed except for the discharge area underneath. Cement for the concrete plant would be delivered to the site in sealed tankers and pumped into enclosed silos, and the ready mixed concrete then loaded into mixer trucks.

- 5.10 Unexcavated margins (“stand-offs”) would be left as part of the measures to mitigate the impacts identified in the detailed Environmental Statement that was submitted as part of the application. Areas of land not required for immediate extraction would remain in agricultural use until they are required.
- 5.11 The depth and types of mineral deposits within the site has been established through sampling in boreholes, details of which are included in the submissions.

**6. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION**

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

**Royal Borough Local Plan**

Green Belt	Flood risk and ground-water	Archaeology	Historic Parks and Gardens Listed buildings and Conservation Area	Design	Wildlife Sites	Trees and hedges	Noise, dust and other pollution issues	Highways and transport
✓	✓	✓	✓	✓	✓	✓	✓	✓
GB1, GB2	F1, NAP4	ARCH2, ARCH3 and ARCH4	HG1, LB2, CA2	DG1	N9	N6, N7	NAP3 and NAP4	T5, T6, P4

**The Berkshire Replacement Minerals Local Plan (Incorporating the Alterations Adopted in December 1997 and May 2001):**

This is referred to as the Berkshire Minerals Plan or BMP within this report. The following policies are of relevance to this application:

- BMP6 - Planning permission to be granted only where an acceptable balance is achieved between all relevant planning considerations and appropriate site restoration is provided for
- BMP7 - Criteria for assessment of minerals applications
- BMP8 - Presumption in favour of permission within Preferred Areas subject to criteria in BMP6 and specific requirements for each of the Preferred Areas
- BMP10 - Presumption against minerals development outside the identified Preferred Areas
- BMP11 - presumption against minerals development within identified designated areas, including (as numbered within the policy):  
(vii) registered Parks and Gardens and  
(ix) Green Belt land.
- BMP18 - Restoration of mineral workings, including provision of legal agreements to secure the restoration
- BMP19 - Public benefits to be secured through restoration schemes
- BMP20 - Restoration schemes to be in accordance with specific proposals for each Preferred Area identified in the Plan.
- BMP21 - Documentation required to accompany applications
- BMP28 - Erection of processing and manufacturing plant at minerals sites.

**The Waste Local Plan for Berkshire (adopted December 1998)**

This is referred to as the Waste Local Plan or WLP within this report. The following policies are relevant:

- WLP1 - Sustainability of waste development
- WLP11 - Preferred areas for waste treatment

- WLP21 - Safeguarding waste sites, including mineral extraction sites
- WLP25 - Disposal of inert waste at Preferred mineral extraction sites in the BMP
- WLP27 - Criteria for waste management sites, including provision of infrastructure etc. required by the development
- WLP29 - Presumption against minerals development within identified designated areas, including registered Parks and Gardens, outside preferred areas as identified within the WLP
- WLP30 - Assessing the impacts of development proposals
- WLP31 - Documentation required to accompany applications

6.2 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Planning Obligations and Developer Contributions
- Interpretation of Policy F1 – Area Liable to Flood
- Sustainable Design and Construction

More information on these documents can be found at:  
[http://www.rbwm.gov.uk/web/pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm)

### Other Local Strategies or Publications

6.3 Other Strategies or publications relevant to the proposal are:

- Berkshire Local Aggregate Assessment
- RBWM Landscape Character Assessment - view at:  
[http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- RBWM Parking Strategy - view at:  
[http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- RBWM Strategic Flood Risk Assessment - view at:  
[http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- Conservation Area appraisal - view at:  
[http://www.rbwm.gov.uk/web/pp\\_conservation\\_consultation\\_appraisals.htm](http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm)
- RBWM Public Rights of Way Improvement Plan - view at:  
[http://www.rbwm.gov.uk/web/prow\\_improvement\\_plan.htm](http://www.rbwm.gov.uk/web/prow_improvement_plan.htm)

<ul style="list-style-type: none"> <li>• National Planning Policy Framework</li> </ul>
<p>Core Planning Principles</p> <p>Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision taking. These twelve principles are that planning should:</p>
<ul style="list-style-type: none"> <li>• be genuinely plan-led, empowering local people to shape their surroundings with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;</li> </ul>
<ul style="list-style-type: none"> <li>• not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;</li> </ul>
<ul style="list-style-type: none"> <li>• proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the</li> </ul>

	residential and business communities;
	<ul style="list-style-type: none"> <li>• always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;</li> </ul>
	<ul style="list-style-type: none"> <li>• take account of the different roles and character of different areas promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;</li> </ul>
	<ul style="list-style-type: none"> <li>• support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change and encourage the reuse of existing resources including conversion of existing buildings and encourage the use of renewable resources (for example, by the development of renewable energy);</li> </ul>
	<ul style="list-style-type: none"> <li>• contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land or development should prefer land of lesser environmental value, where consistent with other policies in this Framework;</li> </ul>
	<ul style="list-style-type: none"> <li>• encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;</li> </ul>
	<ul style="list-style-type: none"> <li>• promote mixed use developments and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage or food production);</li> </ul>
	<ul style="list-style-type: none"> <li>• conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations;</li> </ul>
	<ul style="list-style-type: none"> <li>• actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable; and</li> </ul>
	<ul style="list-style-type: none"> <li>• take account of and support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs.</li> </ul>

- Waste management plan for England (December 2013) - view at:  
<https://www.gov.uk/government/publications/waste-management-plan-for-england>
- National Planning Policy for Waste (October 2014) (the NPPW) - view at:  
<https://www.gov.uk/government/publications/national-planning-policy-for-waste>  
This is the current national document to be considered for the restoration phase of this application, which involves the importation to and depositing of inert waste within the site.
- National Planning Practice Guidance - view at:  
<http://planningguidance.planningportal.gov.uk/>

## 7. EXPLANATION OF RECOMMENDATION

7.1 The key issues for consideration are in this application are:

- (i) Whether the proposals for mineral extraction and restoration with inert waste are acceptable in principle in this location



- (ii) The economic benefits of the proposals
  - (iii) Impacts on the natural environment
    - Whether the proposals constitute in appropriate development within the Green Belt, and if so whether there is a very special circumstances case to justify the harm that would result
    - Flood Risk
    - Hydrogeology
    - Landscape and Visual Impact
    - Impacts on trees
    - Ecology
    - Agricultural Land Quality
  - (iv) Impacts on the historic environment
    - The historic parkland
    - Archaeology
    - Relationship of the trees identified for removal within the extraction area with the Relict Pre-Enclosure Landscape
    - Riding Court Farmhouse
    - Datchet Conservation Area
    - Windsor Castle
    - Upton Court and the Upton Park / Village Conservation Area
  - (v) Human health
    - Noise, including noise from operations within the site and additional traffic noise
    - Air Quality (dust)
    - Air Quality (traffic)
  - (vi) Whether the highways transport impacts of the proposals can be satisfactorily mitigated
  - (vii) Aviation safety
  - (viii) Other impacts on the amenities of surrounding residential, business and community occupiers, including cumulative impacts
  - (ix) Other key considerations
    - Motorway stability
    - Lighting
  - (x) The applicant's needs case
  - (xi) Additional considerations for restoration of the historic parkland
  - (xii) Balancing the social, environmental and economic impacts and benefits of the proposals.
- (i) Whether the proposals for mineral extraction and restoration with inert waste are**

### acceptable in principle in this location

- 7.2 NPPF (144) sets out that, when determining planning applications for mineral extraction, local planning authorities should take into account a number of criteria, including the following which are relevant to this site:
- give great weight to the benefits of the mineral extraction, including to the economy;
  - ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and / or from a number of sites in a locality;
  - ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
  - provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions where necessary.
- 7.3 The key matters to be considered below, listed as (ii) to (ix), follow these criteria.
- 7.4 The principle of the use of land should also be considered against the relevant policies in the Berkshire Minerals Plan, the Berkshire Waste Local Plan and the RBWM Local Plan, which can be considered up to date in as much as they are consistent with the NPPF (NPPF 215). As noted above, the application site consists of one larger area of land that is identified within the first two of these Development Plan documents for the uses proposed in the application, along with a smaller area that is subject to a Historic Parks and Gardens designation.
- 7.5 For the larger area of land identified within the Minerals and Waste Local Plans as an identified minerals / waste site, the principle of providing for mineral extraction and restoration by infilling with inert waste is established in principle by its identification. While as with all pre-2005 development plan policies this principle must be subject to the proposal's consistency with the NPPF, as considered in more detail below the extraction of minerals within this identified minerals / waste site is consistent with national policy, subject to appropriate controls and mitigation.
- 7.6 The smaller area of land that is subject to the Historic Parks and Gardens designation, and outside and distinct from BMP Area 11 and WLP Area 24, must be assessed against a different set of criteria from both the national and local / Berkshire development plan documents. There is a presumption in favour of protection of this heritage asset, and the degree of harm to this or any other potentially affected heritage asset must be assessed against the benefits that the proposal would provide.
- 7.7 The key matters to be considered below, listed as (ii) to (ix), follow these criteria. In addition, the largely similar criteria set out at National Planning Policy for Waste (NPPW) paragraph 7 are relevant to the infilling phases of the development proposed at this site:
- consider the likely impact on the local environment and on amenity against a range of criteria, with the following being relevant in this case:
    - protection of water quality and resources and flood risk management;
    - land instability;
    - landscape and visual impacts;
    - nature conservation;
    - conserving the historic environment;
    - traffic and access;
    - air emissions, including dust;
    - vermin and birds;
    - noise, light and vibration; and
    - potential land use conflict.
  - Ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;

- Ensure that sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.

7.8 Similarly, the Berkshire Waste Local Plan provides for appropriate forms of waste treatment, including land-filling with inert wastes and also for composting of green waste. There are no proposals for composting in this mineral-led proposal; it is important to reiterate that the proposals for disposal of waste are limited to restoration to existing / natural grounds levels, by infilling only with inert waste - waste that by its very nature because it is clean that will not result in further environmental effects. Apart from the transport implications, use of this waste for restoration purposes is preferable to sending it to landfill. These are mainly construction and demolition wastes - subsoils and rock excavated from construction sites, concrete and masonry, and minor elements of wood and reinforcing metals. As such, the infilling comprises an essential step in fulfilling the requirements for mineral extraction. A consideration of the criteria in NWMP paragraph 7 listed above are incorporated into the points (iii) - (x) as set out below.

**(ii) The economic benefits of the proposal**

7.9 The application proposal seeks to replace the applicant's existing mineral extraction capacity at Kingsmead, which is due to be worked out by 2016. The proposals would maintain a supply of construction aggregate to both the local and wider regional and national construction industry to maintain an adequate and steady supply of aggregate. It would also provide employment for 32 employees, many of who are currently employed at Kingsmead. As such, the economic development benefits of the proposals are clearly supported by NPPF paragraph 144, as noted above at 7.2.

7.10 NPPF paragraph 22 seeks to support existing business sectors; NPPF paragraph 28 to promote the development and diversification of agricultural and other land-based rural businesses. As noted above NPPF paragraph 144 advises that give great weight should be given to the benefits of the mineral extraction, including the benefits to the economy. The proposals seek to replace the applicant's existing mineral extraction capacity at Kingsmead, which is due to be worked out by 2016, and would maintain a supply of construction aggregate to both the local and wider regional and national construction industry. It would provide continued employment for 32 employees, many of who are currently employed at Kingsmead. As such, the economic development benefits of the proposals are clearly supported by NPPF 144.

**(iii) Impacts on the natural environment**

Green Belt issues

7.11 The entire site is located within the Green Belt. NPPF 79 sets out that:

*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

NPPF 90 lists forms of development, including mineral extraction, that can be acceptable within the Green Belt provided that they

*Preserve the openness of the Green Belt and do not conflict with the purposes of including land within (it).*

7.12 Relocation of processing plant and structures from Kingsmead Quarry to the site would result in a temporary loss of Green Belt openness in the south-eastern part of the site where they would be located. The workings themselves, over the balance of the site, would not impinge on Green Belt openness, although mobile plant that would be moved around the site at the start and completion of each phase would also have a minor but temporary effect. With mineral extraction programmed over six years, a condition to require the removal of the plant and structures within a set period within six months of extraction activities being completed would ensure that this

temporary effect is controlled to an acceptable degree. Due to the comparatively long history of the larger part of the site as a designated mineral extraction and waste processing area, it is not considered that a very special circumstances argument need be made for these uses of this part of the site.

- 7.13 However, a very special circumstances case does need to be considered in respect to the historic parkland within the site, and this is further discussed below. In summary of that argument however, it is considered that a robust VSC case for extraction and infilling with inert waste would require an additional clear demonstration that the Phase 7 land would be properly integrated back into Ditton Park following operations on this part of the site, and for additional criteria to be met in terms of the types of materials to be used in the infilling of this land following mineral extraction.
- 7.14 The purposes of including land within the Green Belt also include preserving the setting and special character of historic towns (NPPF 80). These historic towns include Windsor. The site is approximately 2 km linear distant from Windsor, and it is not considered that the impacts of the proposals would be detrimental in Green Belt terms.

#### Flood Risk

- 7.15 Sand and gravel extraction is classed as 'Water compatible' by the NPPG and in flood risk terms it is therefore considered to be appropriate within Flood Zones 1, 2 and 3. Since the area of development exceeds one hectare and the site is within Flood Zone 2 and 3, a full Flood Risk Assessment (FRA) was required as part of the application. Nevertheless NPPF advice in regard to flood risk, that when determining planning applications planning authorities should ensure flood risk is not increased elsewhere and only consider appropriate forms of development in areas at risk of flooding where a sequential assessment of other available sites and a site-specific flood risk assessment has been submitted.
- 7.16 Much of the western and south-western part of the site is located in Flood Zone 2 (FZ2), where there is a moderate risk of flooding. There is also a relatively small but still significant area in the western part and all of the northern parts of the site including the land within Ditton Park is in the higher flood risk zone, Flood Zone 3, and land in this flood zone extends around the eastern boundary to the Riding Court Road frontage adjacent to the Datchet Brook, runs from the north of the application area and then flows across the north-east part of the site to exit it at Riding Court Road. An area to the north, north-west and south-east of the farm complex is within FZ1, where any flood risk is low. The only built structures associated with the development are located in the south-eastern area, which is in the least floodable part of the site.
- 7.17 The key impacts on flood risk at the site are principally related to the placement of soil bunds, which could impact on flow paths and flood plain storage. These bunds are proposed to mitigate noise impacts at the site, but would not all be in place at the same time as they are located around the various sub-areas as they are worked. They would then be removed as part of the restoration of each sub-area. Those around the plant area would remain until after the plant becomes non-operational and is removed from the site. The FRA notes that culverts or drains would be placed through the base of bunds where they are within floodable areas. It also notes that the overall volume of flood storage at any one time would be increased due to the removal of soils and the "overburden" as each sub-area is worked.
- 7.18 Following an initial objection from the Environment Agency (EA), a sequential assessment of other available sites was submitted along with an amended FRA. The EA has reviewed this additional information and withdrawn their objection subject to appropriate conditions being included in any planning permission. These are included in the recommendation at Section 11 below. In addition to the conditions requested by the EA, it is also considered particularly important to ensure that there would be no loss of future flood storage at the site, through raising of ground levels within the flood plain, unless it can be demonstrated that there would be sufficient level-for-level compensation provided within the proposed wetland restoration in the south-eastern part of the site. This is currently in Flood Zone 1, where there is a very low level of flood risk. However as this is a relatively small part of the site, the scope for raising land levels

elsewhere on the site is very limited in flood risk terms (visual impacts would also need to be further considered in any proposals to raise the levels of any of the land).

- 7.19 In conclusion, and subject to conditions requested by the EA, it is considered that the proposals are acceptable in Green Belt terms.

#### Hydrogeology

- 7.20 The site is within a Source Protection Zone for the abstraction of potable water supplies, and this along with other hydro-geological impacts of restoration to agriculture by filling with inert waste are considered a separate assessment within the application. This considered surface water flows, levels and quality; aquifer properties; and groundwater classifications, levels, flows and quality. It is noted that there are four water company abstraction licenses within 2 km of the Site, two of which are from groundwater and two from surface water. The closest, Datchet Pumping Station, is located about 400 m to the west.
- 7.21 The proposals for “wet” extraction are intended to militate against any potential impacts that might arise from dewatering. The working scheme provides for the Datchet Common Brook to remain undisturbed with a stand-off margin from extraction will be left either side of it, and with working of the site would also mitigate against potential impacts on the Brook. Restoration to agricultural land using imported inert fill material will result in changes to groundwater flows within and under the site, potentially altering the transport direction for contamination in groundwater from an old landfill to the north of the Site. The impacts of this activity would need to be considered through the EA abstraction licence application process.
- 7.22 In addition to their objection on grounds of increased flood risk (now withdrawn as noted above at 7.18), the EA objected to the proposals as first submitted on ground of insufficient information on hydrological / ground water effects. The EA has written to say that their objections in general have been lifted, but omitted any further discussion on hydrogeological issues from their latest letter. Clarification has been sought on this point, and any that is provided will be included an update report.

#### Landscape and Visual Impact

- 7.23 A detailed visual impacts assessment has been prepared and submitted as part of the application. For the purposes of assessment of the landscape impacts of the proposal, the assessment is considered to be largely acceptable. The impacts of the proposals would be largely temporary, with restoration to natural ground levels commencing from the second year of extraction.
- 7.24 These temporary landscape impacts would however be more obvious for the immediate occupiers, including those within the Riding Court Farm business complex, ‘Tree Tops’ and at Computer Associates. They would be mitigated to some extent by the 100m standoff from the listed building adjacent to ‘Tree Tops’, and the lesser stand-offs from the remaining buildings. They would be more obvious from higher levels, and in this respect the excavations are likely to be most prominent when viewed from the three-storey high Computer Associates building. The views here will be to the historic parkland in Phase 7 as boundary vegetation here is more open on this part of the common boundary, as well as to the minerals / waste site. In terms of the timeframe for this particular impact for Computer Associates, Phase 7 is expected to take approximately two years to work and restore (6-8 months to work and 12 to 14 months to fill)
- 7.25 However, the loss of the prominent oak tree noted in 3.8 above would be permanent. The application advances a case that views of this tree from public viewpoints are transitory. However, it is considered that the retention of the tree would provide a feature that would enable the restoration of this part of the site to be of a considerably higher visual quality than would otherwise be the case. The case for the retention of this tree is considered further below.
- 7.26 As noted above in 7.18, visual impacts from raising the levels of any of the land in the restoration phase must also be considered. The case has been made in the application that restoration would be to existing ground levels. However, in discussions about the retention of the now-protected oak tree in the western part of the site, it was suggested that this would result in the

tree sitting within a depression in the ground, which is inconsistent with restoration to existing ground levels. No assessment has been provided of any raising of the land, and as already noted in connection with flooding this is not likely to be acceptable because it would result in losses of flood storage capacity in extreme floods. The visual impacts of restoration are therefore dependent on maintaining the existing ground levels, and a condition is therefore recommended to provide for a detailed levels survey prior to stripping of any top soils, with restoration to be carried out so as not to exceed those levels.

- 7.27 Provided that this is achieved, along with the additional plantings proposed within the land to be restored to agriculture, the lower level wetland restoration of the eastern part of the site, and the restoration of the historic parkland (if that phase of the proposals is permitted), the visual impacts of the proposals are considered to be acceptable.

#### Impact on trees

- 7.28 NPPF 118 seeks to resist the loss of the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. The proposals involve the direct removal of two trees, although there is potential to impact on other large trees and hedgerows around the site if the 'standoffs' around them are of inadequate width. Further advice is being sought from the Council's Arboricultural Officer on this aspect of the proposal. One of the directly affected trees is a very large oak within the western part of the identified minerals / waste area, which was measured by the planning officer during the latter part of 2013 as having a 4.1m circumference. The submissions give its height as 22m or 24m within different parts of the submissions. The updated submission also gives different diameters as 1.3m / 1.5m. Regardless of the exact size of the tree, this diameter puts it well within the parameters of being a veteran oak. A tree protection order was recently placed on this tree, and if this is not challenged by the applicants then its protection will be automatic, unless members decided that the benefits of the additional mineral resource that would be available if the tree was removed outweighed the benefits of its retention. This resource is estimated by the applicant to amount to 16,000 to 20,000 tonnes of sand and / or gravel. This would amount to approximately two to three weeks supply of raw material. This is considered further in the heritage assessment below.
- 7.29 It is noted that this large oak has only very recently been protected, and that the Tree Protection Order is still subject to confirmation. Planning permission that allows its removal would override this protection; however, its loss is an impact of a different kind, in that it would be permanent. Provision could be made for a replacement tree to be planted in its place, but it would take at least a century to become a substantial tree and perhaps two centuries to reach the stature of the tree it replaced. Retention of this tree would require adjustments to be made to the working pattern, possibly including adjustments to the boundaries of the areas set out for Phases 1 - 3. However, it would secure a non-designated heritage asset, as well as a fine landscape feature, and could also be judged as providing part of the VSC argument required for the inappropriate development within the historic parkland.
- 7.30 Location of soil bunds could result in changes in levels within the root protection areas of other trees and edges around the margin of the site, and along the hedgerow that divides the preferred mineral / waste site from the historic parkland. The location of these bunds, along with the extent of the stand-offs, is still under review by the Arboriculture Officer, and these can be controlled by conditions if it is found that the locations of bunds and / or the dimensions of the standoffs is inadequate.

#### Ecology

- 7.31 An ecological assessment of the site was carried out and submitted. This identifies that while areas of locally important habitat exist around the margins of the area to be excavated, the excavation areas themselves are limited to arable farmland where the potential for wildlife is limited. The presence of seven species of bats foraging around the site was recorded in a Phase 1 bat survey, 97% of which were common and soprano pipistrelle bats, and the watercourse and water features within Ditton Park also have potential for reptile and amphibian habitat. However, the ecological surveys as first submitted were reviewed by the Council's consultant ecologist, and no objections subject to further survey works being carried out and

reported on, and subject to conditions to require on-going survey works throughout the course of the development.

7.32 The additional information submitted in October 2014 provided clarification on a range of ecological impacts, including:

- Details of climbing, emergence and re-entry bat surveys to be undertaken prior to the felling of the veteran oak tree, should this be agreed as part of any planning permission.
- Provision for the control of lighting to ensure no or minimal impacts on bats in close proximity to the site.
- Provisions for a detailed reptile mitigation strategy.
- Provisions for tree removal in relation to birds, and a monitoring and mitigation programme for birds moving into new habitats created within the lifetime of the development.
- Provisions for detailed surveys and a mitigation strategy for other protected species including but not restricted to dormice and water voles.
- A programme for the production of a management plan for invasive species.
- Detailed programme of other habitat enhancements, in addition to or instead of the wetland restoration proposed.
- Provisions for an overall Ecological Management Plan.
- Provisions for a construction Environmental Management Plan.
- An assessment of effects and programme of mitigation for the two nearby local wildlife sites, the Upton Park Wetland and the Queen Mary Reservoir.
- Further information/mitigation of impacts on statutory designated sites, if considered necessary by Natural England.

7.33 For the most part, the information provided is not considered to raise any issues that cannot be resolved through appropriate conditions, although in relation to the first point (bat surveys prior to removal of trees) it is noted that natural England's standing advice is that, where there is a possibility of bat roosts being present, that this should be ascertained before planning permission is granted. However as it is recommended elsewhere in this report that the key tree identified for removal should be retained, the presence of bats in that tree if any were found should not result in any impediment to the proposals. The water body, wetland and additional planting that would be provided site as part of the site's restoration would also assist in improving the biodiversity of the site with habitat for many kinds of invertebrates, reptiles and amphibians, birds, and small mammals. Further comments are awaited by the Council's ecologist, and will be reported in an update. Subject to no further substantive issues being identified, it is considered that the proposals are acceptable in terms of their ecological impacts.

#### Agricultural Land Quality

7.34 Impact on higher quality agricultural soils on the site have been assessed as predominantly Grade 2 with most of the remainder of the site consisting of Grade 3 soils. A relatively small area (1.8 ha) has been assessed as a Grade 1 soil. The existing soil resources would be conserved to retain the best quality topsoil for restoration. Prior to extracting the mineral resource in each sub-area of the site, topsoil and subsoil will be stripped and stored separately in mounds around the site. The application states that there is a sufficient quantity of better quality subsoil to meet all the restoration requirements of the site, and it is considered that sufficient information on this aspect of the proposal has been provided to satisfy the requirements of the NPPF.

7.35 It does however appear that there may be an excess volume of subsoils that would not be required for site restoration purposes. Any export of this subsoil (or indeed, of any topsoils) would result in additional HGV movements that do not appear to have been factored into the transport assessments for the proposals. It is considered that a condition should be included in any permission, to prevent the transportation off-site of any soils unless otherwise first agreed in writing with the planning authority. Another potential use of any excess subsoils is also considered below, at 7.102.

#### **(iv) Impacts on the historic environment**

- 7.36 NPPF paragraph 129 advises local planning authorities that, when considering the impact of a proposal on a heritage asset, they should seek to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. At NPPF 132, further advice is that:

*...in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.*

NPPF paragraph 134 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 7.37 The historic parkland within the application site is subject to Grade II registration within the Register of Historic Parks and Gardens by English Heritage for its special historic interest. Other designated heritage assets close to the application include Ditton House which is set within Ditton Park about 400m to the north-east of the area within the Park where excavation is proposed; Riding Court House which is adjacent to the southern boundary of the site; the Datchet Conservation Area 350m to the south at its closest point; and further afield Windsor Castle which is 1.4 km to the south-west, and Upton Court and Upton Village Conservation Area within Slough.
- 7.38 The historic parkland that would be utilised within Phase 7 of the mineral extraction and proposed restoration would be directly affected through its excavation and the loss of some historic features. Much of the case for and against allowing this Phase as part of the development rests on whether the harm that would result is 'substantial' or 'less than substantial'. Impacts on this and the other key historic features close to the site are considered here in turn:

#### The Grade II registered parkland

- 7.39 Historic records as noted in the listing date back to 1330, and Ditton House has strong Tudor associations with Mary (Tudor) having resided there from 1517-21 and Cardinal Wolsey in the late 1520s. Various works and enlargement of the park took place 1607-1705, and Lancelot ('Capability') Brown was involved with landscaping the estate between 1762 and 1774. Available evidence suggests that the Phase 7 area was a meadow, which was known as Merry's Mead prior to Brown's involvement with the landscaping of the estate. Interventions are likely to have included the removal or thinning of field boundaries (although his plans have not survived), resulting in a typically picturesque parkland studded with formal parkland trees and a defined north-south drive edging the Park to provide "views" and crossing Gibraltar Bridge at the top of the formal pond. The site of the Gibraltar Bridge is close to the site boundary at its north-eastern extremity; however, this is reported by the applicant's heritage consultant as being completely obliterated. New tree plantings appear to have been made across the estate during the early 19<sup>th</sup> century under the 2<sup>nd</sup> Baron Montagu and following the completion of the "new" Ditton house that was built about this time to a design by William Atkinson. The evidence indicates a thickening of the tree belt along the south-west boundary of the former Merry's Mead shown on the 1834 Estate plan, which follows the edge of the park or park pale. This historic boundary is still evident today and is recognised in the heritage assessment as being of some significance with the offer of some of it being afforded protection during the excavation of Area 7, although the Council's Conservation Officer considered that the significant "thickening at the south western edge of the Area would be substantially lost".
- 7.40 The applicant argues that although this land has an identified historic value by reason of its inclusion within the historic designation, its physical value has been substantially diminished through changes in ownership, physical separation from the larger part of the registered park



and a long period of agricultural activity. The Heritage Impact Assessment considers that on the basis of the area of land having been in agricultural use through much of the 20<sup>th</sup> century, any archaeological evidence of “parkland features” is likely to be quite thin making their disturbance less than substantial in terms of harm. In mitigation the applicant offers the “stitching back together” of this severed parcel of land to the remainder of the registered parkland which is currently in the ownership of another party. However this is more by the way of an offer to gift the land to Ditton Park, and there is no evidence at present as to whether this would be entertained by the current owner. It could for example be that this would be treated with caution by any prospective owner, as it would by then have been filled with inert waste. On the plus side, the restoration would aim to reproduce the historic landscape as recorded in a large scale 1876 map.

- 7.41 The Council's Conservation Officer has advised that the harm to the significance of the Registered Park as a result of the excavation of the area formerly known as Merry's Mead would be substantial in that it would prevent any possibility for careful restoration of this area of land in the future. The need for excavation of this area which lies outside the allocation set out in the Minerals Plan cannot be weighed against the harm that would be caused and the offered mitigation, the “rejoining” of the Registered Park under a single ownership with the potential for some recreation of the 18<sup>th</sup> century landscape has not been secured. Consequently the proposal would be contrary to Local Plan Policy HG1 and to advice in the NPPF. The applicant's heritage consultant considers that the harm would be ‘less than substantial’.
- 7.42 English Heritage (EH) were consulted on the proposals, and although the response was that they did not wish to comment, further comments were later received that raised a number of issues about the proposed restoration. As first submitted, it was intended to ‘restore’ Phase 7 to form a second lake, but this has now been changed in the latest submission made in October 2014. Amongst other issues, EH considered that the lake proposed would have been inappropriate in the context of the historic ‘Capability’ Brown designed landscape of Ditton Park.
- 7.43 EH have not commented on the revised proposals for this area, as their current resources do not allow them to comment on most proposals for Grade 2 historic parks and gardens. However, it remains the case that the advice of the Council's Conservation Officer is that the harm to this designated land is substantial, and the conclusions on this aspect of the proposal have been reached on that basis. It is considered that the harm identified to this heritage asset is such that this aspect of the scheme - Phase 7 in the extraction and restoration proposals - could only be permitted if it is conclusively demonstrated that the restored Merry's Mead will be incorporated back into the main part of Ditton Park. It is recommended that provisions for this should be included in a Section 106 planning obligation. If this cannot be achieved within the required timeframes, members could consider requiring that this part of the proposals be withdrawn from the application before a planning permission is granted.
- 7.44 It is further noted that the inclusion of this area appears to amount to a maximum of 12 months' supply of the total intended for excavation, although the applicant has indicated that it could be worked out in 6 to 8 months (plus restoration).

#### Archaeology

- 7.45 An archaeological assessment was undertaken and submitted with the application, which was largely a desk-top study although records of the results of trial trenches previously excavated at the site were included. Following Berkshire Archaeology's initial comments in September 2013, the applicant submitted further archaeological information as part of the Regulation 22 response provided in October 2014, comprising:
- (i) a report on the results of a geophysical survey of the 5.3 ha in the north-east of the application site within land that falls within the Registered Park and Garden of Ditton Park;
  - (ii) a written scheme of investigation for a programme of exploratory archaeological field evaluation for the area of geophysical survey; and
  - (iii) a report on the results of the programme of exploratory archaeological field evaluation

- 7.46 These reports have established that there are unlikely to be buried archaeological remains of such significance within the historic park that would represent a major constraint on the proposal. These reports augment the results of exploratory archaeological evaluation on the remainder of the site that was undertaken in 2000, which confirmed the presence of buried remains of Iron Age and Roman date within the application site. On this basis, Berkshire Archaeology is satisfied that sufficient information has now been provided with the application to determine the application in relation to the buried archaeological heritage in accordance with paragraph 128 of the NPPF. However as the proposal will impact on known and potential buried remains, investigation and recording of these remains should be undertaken in accordance with paragraph 141 of the NPPF, should permission be granted. Berkshire Archaeology therefore recommends that, should the application be approved, it is subject to an appropriately worded condition.

#### Relationship of the trees identified for removal within the extraction area with the Relict Pre-Enclosure Landscape

- 7.47 The large oak tree noted at 7.25 – 7.29 above is identified in maps in the October 2014 submission for the application as the sole survivor from a pre-enclosure boundary hedge.
- 7.48 The Heritage Impact Assessment (HIA) submitted in October 2014 also identifies that the application site incorporates a number of features that survive from an agricultural landscape that pre-dates the Datchet enclosure map of 1833. These include: sections of pre-1833 field boundaries forming the northern site boundaries and a surviving hedgerow between The Chelt and Swine Mead; a low, linear earthwork of the boundary between Chelt Warren and Dry Close; earthwork of the pre 1876 farm track from riding Court to White's Lane and the pre 1876 farm track from Riding Court Farm to Longmead Bridge. These field boundaries and tracks are of local significance. The site also lies within the setting of a pre-1834 plantation incorporating ridge and furrow earthworks which is within the registered parkland (The HIA makes a case that this area is outside the medieval boundaries of Ditton Park).
- 7.49 The HIA also outlines that the proposals would result in the physical loss of the locally important tracks and part of the earth work of what was known as the Chelt Warren field boundary, which include the protected oak and is identified as a surviving hedgerow tree. The proposals also result in the loss of the White Lane track, which was cut off by the construction of the M4 and is now evident as slightly raised gravel earthwork to the south of the protected oak tree (it is however clearly visible on aerial photographs, including Google satellite / aerial view).
- 7.50 It is considered that the retention of the protected oak tree would provide an important permanent marker from this pre-Enclosure Act landscape, and while the applicant considers that it is incompatible with post-restoration use for arable agriculture, it is noted that it has been successfully incorporated into this land use at present. Its retention is therefore considered to be justified.

#### Riding Court Farmhouse

- 7.51 The application proposes no specific works to the extant farmhouse or indeed to the farmstead buildings that surround it. The building has 18<sup>th</sup> century facades but buried within are remnants of an earlier timber frame according with its suggested historical significance as a separate manorial demesne prior to its amalgamation with Ditton Park in the 14<sup>th</sup> century. The farmhouse clearly has an historic, functional relationship to the surrounding agricultural land which is proposed to be entirely disturbed by the application work and the removal of surviving track ways and remnants of historic field boundaries will result in further harm to the setting of Riding Court. Given the current state of the land and the contribution that it makes to the understanding of the heritage asset, the further change, although effectively loss, has to be considered to be "less than substantial". In terms of benefit, as part of the reinstatement of the agricultural land the applicant is offering to provide a public footpath that would permit a publicly accessible route between Langley and Datchet across Longmead Bridge (this feature aligns with the historic park pale). The bridge would remain in its current, modern form and the route would allow the possibility of public views, identified in historic documents, out across the land to Datchet and Windsor Castle beyond.

- 7.52 Impacts of noise and vibration from the extraction and restoration activities and from vehicle movements would result in temporary harm to the setting of Riding Court Farmhouse. The Council's Environmental Protection Officer (EPO), in comments at 7.57 - 7.62 has assessed impacts on neighbouring occupiers generally to be acceptable. There would be a 100 m stand-off around this listed building, and the Conservation Officer has raised no issue with impact of noise or vibration on the setting or fabric of the listed building.
- 7.53 In summary, in the context of other harm to this listed building that has resulted from past insensitive development within what would once have been its curtilage, the less than substantial harm that would result to this building and its setting from the proposal is considered to be outweighed by the proposed benefits being offered.

#### Datchet Conservation Area

- 7.54 The northern boundary of the conservation area lies to the south of the M4. Historically the farmland at Riding Court formed part of the setting of the settlement of Datchet and this relationship can be identified on the 1833 Enclosure Plan for Datchet. C20 development, not least the construction of the M4 motorway resulted in severance not only physically but also visually of one from the other. The disruption of the land and the introduction of excavators, conveyor belts and accumulated sand and gravel will dramatically transform the landscape however this is intended to be a temporary transformation and the landscape in its proposed restored form would result in no greater harm to the setting of the conservation area than at present. The increased public access proposed would also potentially be of benefit to the setting of the conservation area in terms of views into the conservation area from the land at Riding Court and indeed possibly from Ditton Park. The land to be returned to agriculture would not result in harm. However the area of land to be reinstated as a lake may have the potential to result in intrusion into significant views from the Park to St Mary's Church depending upon the possible paraphernalia associated with potential uses of recreational lakes. It may be appropriate to restrict the use of the land in order to safeguard the setting of the conservation area in the long term.

#### Windsor Castle

- 7.55 Historically there have been strong connections between Ditton Park, Riding Court and Windsor Castle. Importantly there have been a number of views that have been identified from Ditton Park and the surrounds of Riding Court towards Windsor Castle. During the twelve year period of excavation and restoration these views would be lost and therefore substantially harmed however following the proposed restoration it is intended that a number of these views would be reinstated and that some would become publicly accessible. The significant views from Ditton Park are outside the control of the applicant however it is stated that the nature of the proposed restoration work would not result in any greater harm to these views than currently exists. It is considered that the impacts on views to and from Windsor Castel are minor and of an acceptable nature.

#### Upton Court and Upton Park / Village Conservation Area

- 7.56 Upton Court and Upton Park / Village Conservation Area are physically separated from the application site by the intervening sports facilities at Upton Park. It is considered that any impacts on these heritage assets would be of a very minor or negligible nature, and are therefore acceptable.

#### **(v) Human health**

##### Noise, including noise from operations within the site and additional traffic noise

- 7.57 The NPPF advises that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life (para. 123), and requires that any unavoidable noise should be controlled, mitigated or removed at source (para. 144).
- 7.58 A noise assessment was undertaken as part of the EIA and submitted with the application. This sampled background noise levels at eight locations around the site, including at the closest

residential properties around the site in both Datchet and Slough, and at the boundary with Computer Associates and the Riding Court Farm complex.

- 7.59 The Noise Assessment has been assessed by the Council's Environmental Protection Officer (EPO), who has noted that noise levels both from extraction operations and the processing plant are within the NPPF guidance recommended levels for the main operations at the site of 55 dB at residential boundaries and 60 dB for business boundaries, with short-term increases to 70 dB for temporary works including the construction of bunds (which are themselves part of the proposed noise mitigation measures proposed) and the other stripping and placements of soils around the site. These short-term uses would not take place for more than eight weeks in any one year. The Noise Assessment states that these levels would be achieved. At Computer Associates, which is immediately adjacent to the eastern side of the site, the predicted levels would be 57-58 dB.
- 7.60 Noise impacts would be further controlled by limitations on the hours during which site operations would take place. The applicant has proposed these as 07.00 to 18.00, Monday to Friday and 07.00 to 13.00 on Saturday, with no working on Sundays or Bank Holidays. Subject to all other criteria being satisfied, the EPO considers these to be acceptable hours during which works could be carried out. This would need to be controlled by a condition in any planning permission that is issued.
- 7.61 For vehicles within the site, the Council's Environmental Protection Officer recommends that where reversing sirens or alarms are used the use of silent type of alarm or warning should be used. Road traffic noise for the four proposed route options have been assessed relative to predicted road traffic noise increases. Options 1, 2 and 4 all show an increase of just above 1 dB. A change of 1dB is the smallest that is considered perceptible. On this basis, off-site noise generated by vehicle traffic is not considered to result in any detrimental impacts such that the application should be refused on those grounds.
- 7.62 Vibration impacts were also assessed within the application submissions and were reviewed by the EPO. The EPO has confirmed that vibration arising from machinery on mineral sites is not normally perceptible outside sites boundaries, and rarely perceptible beyond a few metres of working plant, and that ground borne vibration from site HGVs on highways while sometimes cited as a potential environmental impact is in practice only perceptible within a few metres of bad potholes. It is considered to be imperceptible on roads complying with the design standards. Airborne noise from HGV exhausts can sometimes be perceived as vibration by causing loose windows to rattle and in rare cases for suspended floors to vibrate, and are perceptible up to about 25 m from the road. Where an increase in noise is acceptable, the corresponding change in vibration is perceived as similarly acceptable (or otherwise), with highways design guidance advising that changes in noise level of less than 1 dB(A) are negligible.
- 7.63 The EPO has assessed that the impacts from these operations would be acceptable in terms of noise generation. If planning permission is granted, conditions would need to set out the maximum noise levels at identified receptors (neighbouring properties), as well as for other noise generators within the site including the type(s) of alarms to be used on vehicles working in the site when reversing.

#### Air Quality (dust)

- 7.64 NPPF paragraph 122 advises LPAs to focus on whether the proposals are an acceptable use of the land and the impact of the use, rather than the control of processes or emissions that are subject to approval under pollution control regimes; NPPF paragraph 144 requires that any unavoidable dust and particle emissions should be controlled, mitigated or removed at source.
- 7.65 Extraction, plant operation and restoration each have their own potential to generate dust that could result in impacts outside the site. An air quality assessment of the effects of dust emissions was undertaken as part of the EIA and was submitted with the application.
- 7.66 For the mineral extraction operations, measures proposed include wet-working of material to minimise the opportunity for dust operations from the extraction operations and hard surfacing of the access road with water sprays to dampen the road incorporated into the internal road design.

Soil mounds would be grass seeded to prevent windblown dust, and all aggregate vehicles leaving site would be covered. The Council's EPO concurs with the applicant's assessment that the risk of dust emissions during extracting can be effectively mitigated by conditions.

- 7.67 Dust emissions from the operation of plant could result from cement off-loading and mixing. The design of the equipment used in off-loading, including filling cement silos, is likely to be sufficient to fully control this potential emission. Processing of other aggregates would be largely controlled by their entering the plant in a wet state, and further dampening down would be integral to the control of any dust from this part of the operation.
- 7.68 With respect to the restoration proposals, the proposals note that the importation of inert waste materials is subject to an environment licence requirement. The application notes that restoration activities involving the importation of fill materials are likely to present the highest risk of dust resulting from trucks travelling on haul roads, but states that this would be managed by the use of water suppression. All but the south-eastern part of the site would be infilled with inert waste, and both vehicle movements and the deposition and spreading of inert materials across the rest of the site could generate considerable quantities of dust. Further details including routes for trucks across the site would be required, if permission is granted. Site restoration to a water body and wetland on the eastern part of the site would lessen any impacts of depositing inert waste into that part of the site and reduce the volume of material needed to restore the site, but very careful management would be required to ensure that the occupiers at the Riding Court Farm complex, including 'Tree Tops', are not adversely affected. Dust suppression equipment installed in the south-eastern part of the site could remain for the duration of all operations at the site to ensure dust control in this area.
- 7.69 The submitted assessment predicts acceptable emissions levels after taking into account local meteorological conditions and the closest sensitive "receptors" - neighbouring residential and business occupiers, the proposed residential site to the north of the site within Slough, and the recreational uses also to the north in Slough. Several of these are identified as potentially affected sites, and of these four emerge from the assessment as moderately susceptible. These are Computer Associates, two business properties at Riding Court Farm including Riding Court House, and 'Tree Tops', with a low to moderate risk of potential impacts on air quality.
- 7.70 The dust control proposals have been assessed by the Council's Environmental Protection Officer (EPO), who notes that a dust management plan would be incorporated into the site procedures and would be revised as necessary. However, particular reference has been made to impacts on the children's nursery at Computer Associates, which has a play area on the north-western side of the building that is located approximately 45m from the extraction boundary. There is also a tennis court in this part of the Computer Associates site. In his assessment of the ES as submitted, the Council's EPO initially objected on the basis of predicted dust impacts on the nursery location.
- 7.71 The October 2014 submission included a review of impacts of working Phase 7 on Computer Associates nursery and outdoor facilities and of the workings of other phases on the Riding Court Farm office complexes and 'Tree Tops'.
- 7.72 For Computer Associates, concerns were based on the fact that the original assessment did not consider the nursery. The original assessment identified the Computer Associates complex as having a moderate / low risk of potential dust impacts during limited periods when the site activities are at their closest to the sensitive receiver. The updated submission supports those original findings and considers that it is highly unlikely to have any detrimental health impacts for occupiers of this complex. Similar conclusions were drawn in relation to Riding Court Farm business complex and 'Top Trees'.
- 7.73 The updated Air Quality Assessment report also sets out that the Environmental Permit required in association with the landfill operations which would require extensive measures for dust management and control. It identifies that permit of this type typically include a number of dust control measures which support the measures already in place for sand and gravel working. Air quality monitoring is often required as well as meteorological monitoring. The updated report identifies how these measures are implemented and provides for activities to temporarily cease if meteorological or air conditions require it. This advice is in line with the NPPF which at

paragraph 122 advises LPAs to focus on whether the proposals are an acceptable use of the land and the impact of the use, rather than the control of processes or emissions that are subject to approval under pollution control regimes.

- 7.74 The Council's EPO concurs with these findings.
- 7.75 It is further noted however that excavation of unsuitable subsoils, which cannot be processed and are not required for the soil capping stage of restoration, could offer potential in areas closest to the 'sensitive receptors' to be used as infilling material, in place of some of the inert waste that would be brought to the site, and that this may have scope to further avoid dust deposit as part of dust management plan. Overall however, it is considered that through the use of appropriate mitigation the risk of dust to human health does not constitute an objection to the proposals.

#### Air Quality (traffic)

- 7.76 NPPF 124 advises that planning policies taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas, and that planning decisions should ensure that any new development in Air Quality Management Areas (AQMAs) is consistent with the local air quality action plan. As noted above, there were concerns that the AQMA in Slough would be adversely impacted by the proposals. Following discussions with RBWM and Slough Borough Council Environmental Protection and Slough B.C. Planning Officers, an additional Traffic Air Quality Technical Report was therefore prepared and submitted. The modelled impacts on air quality are based on worst-case traffic flows using the most recent monitored background levels of two key pollutants (PM<sup>10</sup> particulates and NO<sup>2</sup>). The findings were that none of the routing scenarios for the development would result in impacts of a significant magnitude. The implications of different operational traffic combinations are therefore not considered to be significant, and the report concluded that the development and routings should not be constrained on the basis of traffic air quality.
- 7.77 Part of the case made for alternative traffic routes was that the option 1 route would result in detrimentally impacts within the Slough AQMA. However, this would not result in significant impacts on air quality as compared to Option 3A, and while this routing may be preferable for other reasons, this must count against its being the preferred option from this point of view.

#### **(vi) Whether the highways transport impacts of the proposals can be satisfactorily mitigated**

- 7.78 NPPF paragraph 30 seeks to encourage solutions which support reductions in greenhouse gas emissions and reduce congestion. NPPF paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The site has good motorway access, to Junction 5 of the M4, and it is relatively sustainable in terms of transport access and the resulting carbon dioxide emissions than less accessible alternatives in deeper rural location such as exist further west within Berkshire.
- 7.79 The application was accompanied by a Transport Assessment (TA) which details the extent of traffic movements required for the proposals, four options for routeing HGVs, and suggests road improvement measures and mitigation that would need to be undertaken. Additional information provided in the Regulation 22 request has expanded on this in a Supplementary Transport Assessment (STA).
- 7.80 Reference is made in the application's TA to the cessation of operations at Kingsmead and associated reduction in vehicle trips. However, these relate to the Strategic Road Network which is managed by the Highway Agency and does not optimise part of the local highway network as managed by either RBWM Council and Slough BC, so accordingly, all of the vehicle trips predicted in connection with the proposed development are considered to be new to the local highway network.
- 7.81 As noted at 4.4 above, traffic movements for the purposes of transporting processed mineral products away from the site would amount to 91 HGVs and 30 car movements per working day,

while vehicle movements involved in bring inert waste in for restoration purposes would add a further 36 HGVs and two car movements per day. This would result in traffic movements of 121 per day in Year 1, 159 traffic movements in Years 2 - 6 (127 HGVs and 32 cars), and 38 traffic movements for Years 7 - 12, with the higher traffic volumes for Years 2 - 6 resulting from transportation of inert waste materials to the site in addition to the transportation of processed minerals from the site. The HGV traffic would comprise a mix of 20 tonne capacity 8-wheel rigid tipper lorries, 30 tonne capacity articulated vehicles, 28 tonne capacity sealed bulk cement semi-trailers and 8m<sup>3</sup> capacity mixer lorries. The HGV component of these vehicle movements is expected to be evenly distributed throughout the day, such that actual hourly movements should be close to a calculated average of the above figures, as distributed across a ten hour working day. While there is likely to be some hour-to-hour variation it is anticipated that movements should not normally exceed 14 each-way movements in any one hour - a maximum on average of one HGV every four minutes during Years 1 - 6, and less for the remaining years of the operation.

7.82 The options for traffic movements are set out in the TA and STA as follows:

1. All “operational development” traffic to be routed via Riding Court Road east and Ditton Road;
2. All traffic via Riding Court Road west, B470 London Road and B470 Major’s Farm Road;
3. All traffic arriving via Riding Court Road west, B470 London Road and B470 Major’s Farm Road and departing via Riding Court Road east and Ditton Road;
- 3A. All traffic arriving via Ditton Road and Riding Court Road east and departing via Riding Court Road west, B470 London Road and B470 Major’s Farm Road;
4. All concrete mixer lorries via Riding Court Road east and Ditton Road and all aggregates collections via Riding Court Road west, B470 London Road and the B470 Major’s Farm Road. Within this scenario, deliveries of cement and infill material could either be routed via Riding Court Road east and Ditton Road (Option 4A) or via Riding Court Road west, B470 London Road and B470 Major’s Farm Road (Option 4B).

7.83 Option 1 is 2.15km from M4 Junction 5 and the Majors Farm route that would be used in Options 3 and 3A is 3.05km from this motorway junction.

7.84 Option 1 was set out in the BMP in its consideration of issues for Preferred Area 11. This noted that a legal agreement would be needed to secure necessary routing and signing to and from this site and to prevent HGV traffic from the site from travelling through the centre of Datchet. However, the applicant has set out the case for an alternative means of access along which a proportion of site traffic could potentially be routed. This is on the basis that the Replacement Minerals Plan is now over 14 years old and was prepared prior to the construction of the James Meadow housing development. The other options were also investigated as the Option 1 route would take all traffic through a nearby air quality management area (AQMA) in Slough.

7.85 Modelling of these options was based on the 5-year peak operations which are expected to occur from 2017-2021. Existing Traffic Survey and traffic flows data was used to establish a 2017 baseline for Traffic Flows and predicted increases in traffic were analysed from this. The modelling work was restricted to Options 1, 2 and 3A with the following results:

- For Scenario 1 there would be increases in two-way weekday traffic of 5.7% along Riding Court Road (east of the site access) and 5.3% along Ditton Road.
- Scenario 2 would result in two-way weekday traffic increases of 5.7% for Riding Court Road (west of the site access), 3.5% for B470 London Road & 3.0% for B470 Majors Farm Road.
- The impact for Scenario 3 and 3A would be spread more evenly across the local highway network, with increases predicted in two-way traffic flow for Riding Court Road (east of the

site access) of 3.2%, Ditton Road 2.9%, Riding Court Road (west of site access) 3.2%, B470 London Road 2.0% and B470 Major Farm Road 1.7%.

- 7.86 The proportionately lower increases along the B470 London Road and Major Farm Road in Option 3A indicates that this would be preferable for Borough residents than Option 2, and Option 1 would of course result in no increases of HGV movements along through this part of the Borough. However, Option 1 would result in significantly higher increases for Slough residents on the eastern part of Riding Court Road than would occur on the B470, within the Borough, in Option 3A, because traffic movements are already considerably higher there and the increase would be proportionately lower. Option 4 was not considered further in the detailed analyses presented in the application.
- 7.87 The Parish Council, while not objecting to the proposal, supports the Option 1 route and specifically asks for a condition to ensure that there are no traffic movements through Datchet village, whereas Slough Borough Council supports Option 3A, in which no operational vehicles would be routed along Riding Court Road and Ditton Road in an eastbound direction.
- 7.88 In Option 1, the Ditton Road / Riding Court Road / James Meadow roundabout junction would need be improved to accommodate larger articulated vehicles, and it has been demonstrated that alterations to the highway alignment could be achieved to do this. For Option 3A, alterations to the Riding Court Road mini-roundabout junction with the B470 London Road would only be undertaken in respect of Scenarios 2, 3A and 4. The Highway Officer has noted that the analysis carried out by the applicant in respect to road design improvements did not extend eastwards across the frontages to 45-63 London Road where carriageway width is understood to vary between approximately 5.1m and 6.0m. If this route was approved, widening to provide a continuous 6.0m width would be required. This is likely to involve the re-positioning and/or re-profiling of the existing speed cushions which extend for some 600m to the east.
- 7.89 All options would require 4.5m x 160m visibility splays to be provided, with appropriate improvement works to ensure that operational vehicles can be safely accommodated without adversely affecting other road users would need to be secured by a legal agreement made under s278 of the Highways Act 1980.
- 7.90 The proposed M4 Junctions 3-12 Smart Motorway scheme has also been considered. It is noted that the Highway Agency proposals involve a replacement bridge for Riding Court Road, which would be constructed "off-line" alongside the existing bridge. This is likely to be carried out during the forecast peak period of operations for the proposed development. However, the "off-line" construction of a new Riding Court Road bridge means that it would remain open for all traffic for almost the whole of the duration of the scheme works. Development traffic would then have to adhere to any temporary diversion route that may arise from the HA scheme works).
- 7.91 Slough Borough Council noted in its comments on the scheme as first submitted that footways along the Option 1 route are narrow and that there is little scope to widen them, and that there is no also off-road cycle route along Riding Court Road or Ditton Road. Cycle access across the land was requested as part of the restoration scheme, with the suggestion that this be secured by a section 106 planning obligation; however, this would not alleviate any traffic conflicts during the implementation of any permission. The submission also noted the greater number of residential properties that would be affected by Option 1. There are understood to be 126 properties in Slough along Ditton Road, and 91 properties potentially affected on the B470 London Road and Majors Farm Road route mainly in Datchet but with some in Slough. The Supplementary Travel Assessment (STA) submitted in October 2014 makes a case that Option 3A is the safer route; however, on the basis of footway and cycle provision it is not considered that there is a significant difference in the choice between the two. The right-in, right-out movement of HGVs in Option 3A is an obvious difference, but with the good visibility along Riding Court Road and the junction that would be put in place, this is not considered by the Highway Officer to present any issues for highway safety.
- 7.92 It is not considered that the restored development will have any significant transport implications, as the access is limited to walking tracks, with no provisions for on-site car parking to be used by recreational users. Impacts of increased traffic movements are therefore of a temporary nature,



limited to the twelve years of the development and with the period for the maximum number of daily movements ending after Year 6.

- 7.93 The Highway Officer's concurs with the STA's findings that 3A is the preferable route from a transport perspective, but considers that all of the scenarios for traffic movement put forward are technically feasible. NPPF paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe, and this is not the case in any of the transport options presented. As noted above, there are no significant differences in air quality impacts that should strongly influence the choice of HGV transport route. It is therefore recommended that the Option 3A route should be selected. However, it is open for members to give further consideration to the Option 1 or any other route. In either case, the route chosen should be built into a section 106 planning obligation, and a number of conditions are also recommended below that would be required to provide additional controls over localised and temporary highways impacts.

**(vii) Aviation safety**

- 7.94 Heathrow Airport is located 5.5 km from the site. The proposals have been assessed from a safeguarding perspective. A Bird Hazard Management Plan would need to be put in place in order to ensure that the water body and wetland would not become a breeding ground for large birds that could constitute an air safety hazard. Further details were provided in the additional information provided in October 2014, and any further changes that are required by HA Ltd could be imposed by condition. Consideration is also being given as to the need to include this requirement in a section 106 planning obligation.

**(viii) Other key considerations**

M4 motorway stability

- 7.95 The submissions included details of potential impacts on the stability of the M4 motorway, including details on distances from the edge of land controlled by the Highways Agency and the edge of the excavated area, and of the slope gradients within the excavations. The Highways Agency was consulted, and are understood to have met with the applicant to discuss the proposals. No consultation response has been received, and any that is provided before the Panel meeting will be reported in an update.

Lighting

- 7.96 Assessments of impacts of artificial lighting to be used during winter months and for after-hour security were also submitted. It is considered that impacts of lighting can be controlled by movement sensitive switches and controls on the level of illumination, to ensure that the workings are not a significant source of light pollution and annoyance.

**(ix) Other impacts on the amenities of residential, business and community occupiers, including cumulative impacts**

- 7.97 Impacts on the amenities of surrounding residential and business occupiers have been considered as part of the above considerations, with particular regard to noise, dust, general disturbance and visual impacts. These matters are generally considered to be capable of satisfactory mitigation, subject to the requirements for each of these matters noted in the respective sections of this report.
- 7.98 The proposals offer benefits to residents in Horton, adjacent to the Kingsmead Quarry, because workings at that site would be replaced by moving operations at this application site. The cessation of all traffic movements from that site, other than those required for restoration of that the site, could be further controlled to ensure that this benefit results; this could be provided in a section 106 planning obligation.

**(x) The applicant's needs case**

- 7.99 The Regulation 22 submissions of October 2014 made a further case for the inclusion of historic parkland within the area to be worked on the basis of the areas that were to be excluded from the minerals / waste site as identified in the BRMP and the BWLP. Some areas were excluded due to the unsuitability for working or being in other ownership. It is noted also that there is an area of young woodland adjacent to the north-western boundary of the identified minerals / waste area, which forms a visual buffer between the area of proposed workings and the sports facilities to the north. This is understood to have been planted by the applicant, and while it takes some land out of the worked area it is noted that the plantings appear to have been made in anticipation of an eventual application being made (the trees appear to be in the order of 10 to 15 years old). The additional yield from the historic parkland is intended to make up the shortfall in yield from these excluded parts of the identified minerals / waste site.
- 7.100 The BRMP estimated the reserve in Preferred Area 11 to be in the order of 1.7 million tonnes; the application as originally made in 2013 was for the extraction of 2.3 million tonnes, but this was revised down to 2.1 million tonnes in the Regulation 22 submissions made in October 2014. The expected yield of some 400,000 tonnes from the historic parkland is therefore directly equivalent to a quantity of minerals over and above the reserve estimated in the BRMP.
- 7.101 Planning authorities are expected to have a seven year reserve of sand and gravel; this proposal provides six years supply, or five if the historic parkland is excluded. This is under the expected reserve area for RBWM; however, the most recent Berkshire Local Aggregate Assessment for the six Berkshire authorities is twelve years supply.

**(xi) Additional considerations for restoration of the historic parkland**

- 7.102 As noted above at 7.43 in this report, it is considered that the harm identified to the historic parkland in Phase 7 in the extraction and restoration proposals should only be permitted if it is conclusively demonstrated that the restored Merry's Mead will be incorporated back into the main part of Ditton Park. It is recommended that provisions for this should be included in a Section 106 planning obligation. If this cannot be achieved within the required timeframes, members could consider requiring that this part of the proposals be withdrawn from the application before a planning permission is granted.
- 7.103 It is further noted that the inclusion of this area appears to amount to a maximum of 12 months' supply of the total intended for excavation, although the applicant has indicated that Phase 7 would be worked out in 6-8 months and take a further 12 to 14 months to fill. This is the timeframe for the most direct impacts on Computer Associates from extraction in the most exposed northern side of that neighbouring site, as this is where the nursery and other outdoor facilities are located. As discussed in paragraph 7.35 above, it appears that there may be an excess volume of subsoils that would not be required for other site restoration purposes, which could be used to advance the restoration of this Phase and ensure that the timeframe within which these impacts are felt can be compressed. Placement of subsoils in this area may also result in less risk of dust being transported from this area by wind around during the restoration stages.
- 7.104 If members are minded to support this phase of the proposals, the VSC case for what is, on balance, an inappropriate development in this part of the Green Belt would also need to be identified.

**Other material considerations**

- 7.105 Neighbour letters have raised a number of substantive issues as noted in Section 9 below, and also some other issues. Matters of any corporate shortcomings on the part of the applicant and impacts on property values cannot form material considerations in the consideration of planning applications.

**(xii) Balancing the social, environmental and economic impacts and benefits of the proposals**

- 7.106 This proposal would result in significant temporary environmental effects, and in substantial harm to a registered heritage asset. The majority of the environmental interests that would be affected

by this development will be able to be adequately mitigated for and limited, through details submitted by condition. The same is also true for other matters such as highway safety, accessibility and community security and safety interests. However, issues remain in regard to balancing the extraction of minerals and restoration of the historic parkland and the loss of the veteran oak within the western part of the site that also forms a relict part of the historic landscape. It is considered that these permanent impacts can be mitigated or avoided; mitigated in the case of the historic parkland by ensuring that it is properly integrated back into the main part of Ditton Park post-restoration (although if this cannot be achieved prior to the application being determined then planning permission could still be granted provided that it is withdrawn from the proposals), while in the case of the veteran oak tree it has been protected by a tree protection order and this order need simply be upheld. Submission of a revised plan could achieve this. The workings would also be highly visible from the neighbouring properties, most of which are business properties, albeit for a temporary period that would for each Phase be much shorter than the timeframe for working out the whole site.

- 7.107 The extraction of minerals would provide up to six years supply of raw and processed mineral materials, which would secure the applicant's supply for this period and along with that, jobs for 32 staff, and subject to the above constraints would support the economy consistent with the intentions of the NPPF.

#### The assessment

- 7.108 From a social perspective, the scheme will provide employment opportunities along with enhanced recreational and leisure activities and opportunities through the provision of new footpaths. Enhanced recreational and leisure resources are likely to mean for some people improved levels of fitness. It may also lead to enhanced well-being as a result of the presence of a more significant water body and through creating a place to visit, relax and enjoy. This will result in health benefits.
- 7.109 Environmentally, the restoration provides opportunities for increased biodiversity including invertebrates, reptiles and amphibians, birds (excluding geese and any other large birds that would be controlled through the Bird Hazard Management Plan), and small mammals.
- 7.110 Economically, great weight should be given to the benefits of the mineral extraction, as set out in 7.8 - 7.10 of this report and at NPPF 144. The proposals seek to replace the applicant's existing mineral extraction capacity at Kingsmead, which is due to be worked out by 2016, and represent an important resource in a relatively sustainable location in transport terms.
- 7.111 Some weight should be afforded to the objections from members of the community to the proposals. However it is noted that both Datchet Parish Council and Slough Borough Council have not objected to the application in their responses to the October 2014 Regulation submission of additional information, albeit both conditional on different traffic routing options.
- 7.112 On balance, Planning Officers consider that the social, environmental and economic benefits of the proposals will, subject to stringent conditions as recommended below, provide the benefits both to the applicant company and, through provision of a key resource and a longer-term recreation facility, to the community. As such the application is recommended for approval.

## **8. SECTION 106 PLANNING OBLIGATION**

- 8.1 This development would place additional pressure on the local highways network, and the Highways consultation response noted that the BMP provides for a legal agreement in respect to Area 11 to secure necessary routeing and signing to and from this site and to prevent HGV traffic from the site travelling through the centre of Datchet. Standard s106 calculations against the peak trip rate would suggest a s106 payment of about £150,000, but is considered that this would not cover all of the highways improvements required. As such in order to ensure that sufficient payment is made, it is considered that this should instead be the subject of a section 278 agreement with the Highways Authorities (including Slough Borough Council as necessary).

- 8.2 The Section 106 obligation would also need to secure the amalgamation of the restored parkland back into to the main part of Ditton Park (or this Phase would need to be withdrawn from the application, as discussed above); the obligation would also need to secure public access to the restored land both within the historic park and to the wetland area in the eastern part of the site.

## 9. CONSULTATIONS CARRIED OUT

### Comments from interested parties

651 occupiers were notified directly of the application. The planning officer placed site notices at the site on 15 July 2013. The application was advertised in the Maidenhead & Windsor Advertiser on 4 July 2013, and on receipt of the October 2014 Regulation submission, on 16 October 2014.

Letters were received from 88 neighbours and other interested parties objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	The site is close to a children's day nursery, including playground, at Computer Associates which is in constant use by pre-school children. Dust and airborne particles generated over time will be hazardous to the health of the children.	7.63 - 7.74
2.	Increase in noise and traffic on local roads and disruption of access to homes / driveways / businesses due to traffic congestion that would result.	Paras 7.57 - 7.62
3.	Debris, mud and mess caused along local roads	7.92
4.	Length and major inconvenience of the proposed plans.	5.3
5.	Direct effects in the value of homes, businesses and land	7.104
6.	Use of land outside the preferred Area 11, which is also a listed historic park.	7.39 - 7.44 and 7.103 - 7.104
7.	Detriment to the amenities of occupants at the Ditton Park business campus.	7.57 - 7.74
8.	Inadequate data on abstraction of groundwater.	7.20 - 7.22
9.	Inadequate data on site water levels for the Ditton Park business campus.	7.20 - 7.22
10.	Inadequate data on minerals depth in the area of land outside preferred Area 11 and within the historic parkland.	5.11
11.	Environmental failures and breaches of law elsewhere in the UK by CEMEX.	7.104
12.	Ecological impacts.	7.31 - 7.33
13.	Likely to cause flooding.	7.15 - 7.19
14.	Impacts on Green Belt.	7.11 - 7.14
15.	Impacts on listed buildings.	7.51 - 7.53
16.	Impacts on archaeology.	7.45 - 7.46

### Statutory consultees

Consultee	Comment	Where in the report this is
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		considered
Parish Council:	<p>No objection, subject to the following conditions:</p> <p>Schedule of Conditions</p> <p>1. Traffic Management</p> <p>a) All operational traffic leaves and approaches from the East along Riding Court Road and the A4 Marriott Hotel junction. That is traffic all turns left when leaving the site and turns right into the site from Riding Court Road whether exporting or importing material, empty or fully loaded, i.e. all traffic remains North of the M4.</p> <p>b) As regards traffic noise, traffic air quality and vehicle weights the Company must comply with the relevant statutory requirements.</p> <p>2. Environmental/Pollution Issues</p> <p>a) There should be on site provision of vehicle wash sprays, a wheel wash unit and sheeting for dust control on fully loaded vehicles. The measures of control set out for dust pollution in 7.80 of the Planning Application statement should be strictly adhered to and monitored.</p> <p>b) The Company to provide a road cleaning unit for use within Riding Court Road.</p> <p>3. Site Noise</p> <p>a) In respect of site noise the Company must conform to technical guidance set out in the National Planning Policy Framework.</p> <p>4. Hours of Working</p> <p>a) The hours of working as laid out in section 7.78 of the Planning Application statement should be strictly adhered to and the Parish informed of any variations requested.</p> <p>5. Lighting</p> <p>a) The general lighting of the site should not extend beyond operational hours and the lighting units chosen should reduce light pollution to the surrounding area. (Items 7.76 and 7.83 of the Planning Application Statement).</p> <p>6. CCTV Monitoring</p> <p>a) CEMEX to extend their proposed 24 hour CCTV monitoring (for site security) to the London Road/Riding Court Road roundabout to specifically police operational traffic movements in relation to the Village.</p> <p>7. Road Safety</p> <p>a) CEMEX to ensure the offset roundabout at the junction of Riding Court Road/James Meadow/Ditton Road be re-engineered to facilitate smooth traffic flow and increase safety for road users.</p> <p>b) The speed limit within Riding Court Road to be reduced to 40mph from London Road/Riding Court Road roundabout to the A4 Marriott Hotel traffic lights.</p> <p>8. Guarantee</p> <p>a) CEMEX to be subject to a performance bond relevant to any breach of their planning/operating conditions.</p> <p>9. Area Based Policy Key Objectives Datchet Village a) Reference 11.146 of the Planning application statement item i) &amp; iv) delete 'other than for local delivery' so that NO traffic will pass through the Village.</p> <p>Recommendations</p> <p>In light of good practice it is vital that regular meetings</p>	Section 7

	between CEMEX, RBWM and Datchet Parish Council representatives take place in order to monitor the works on behalf of the Community. There should be a single point of contact within CEMEX for the purpose of raising issues/queries and getting resolution. The point of contact within the Parish will be the Clerk to the Council. That the Parish Council be involved at all stages of the restoration and any future disposal of the site or any part thereof.	
Slough Borough Council:	The 3A option for vehicle movements is the preferred option in terms of traffic and transport and objections would be maintained on these grounds as per our previous correspondence if any of the other routes are to be used. However it is noted that has not been addressed in the applicants response is the provision of a cycle route through the site to link up with the Sustrans route. There would appear to be no progress with this and we are very keen for this to be achieved and should be included in any Section 106 agreement.	7.77 - 7.92
	The 3A option for vehicle movements is the preferred option in terms of air quality and objections would be maintained on air quality grounds as per our previous correspondence if any of the other routes are to be used. Appropriate measures will need to be taken with regards to noise disturbance to the properties to the north to ensure that the site is worked in a manner then ensures that noise is kept to a acceptable level to these properties, as per the noise consultants technical note.	7.57 - 7.76
	Any development with is within the historic park area will need to be appropriately conditioned so that the park is enhanced following the completion of the extraction, with full details to be provided prior to the commencement of works.	7.39 - 7.44
Environment Agency:	No objection, subject to conditions.	7.15 - 7.22
Heathrow Airport Ltd	Objected to original submission in 2013; objection can be overcome by a satisfactory Bird Hazard Management Plan programme.	7.93

#### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Conservation Officer:	Objection:  The supporting Heritage Impact Assessment (HIA) correctly identifies a number of heritage assets that will be impacted on, sets out their significance and then analyses the impact of the interventions on that significance. The application essentially proposes the excavation of the land surrounding Riding Court Farm with the loss of any remaining, historic landscape features. This represents substantial harm that has not been properly justified.	7.36 - 7.56
Berkshire Archaeology	Following advice from Berkshire Archaeology, the applicant has provided further archaeological information in support of their application. Collectively this information has demonstrated that there are unlikely to be buried archaeological remains within the site of such significance	7.45 - 7.46

	<p>that they merit preservation <i>in situ</i>. However there are important buried archaeological remains within the application site and the mitigation of the impacts of the proposal upon them can be secured by condition, should permission be granted. Berkshire Archaeology does not consider that the mitigation strategy provided with the application is adequate as it will not ensure the appropriate investigation and recording of buried archaeological remains within the application site. Berkshire Archaeology advises that either a strategy that provides for the systematic investigation of all of the site area in advance of gravel extraction (as the applicant will be familiar with elsewhere) or further exploratory investigation in advance of each phase of extraction to determine the scope and extent of any further investigation would be appropriate. Any mitigation strategy will provide for the appropriate assessment, analysis, publication and archiving of the results to ensure that the results of the investigations are made publically accessible.</p>	
<p>Berkshire Garden Trust</p>	<p>Objection to extraction from the proposed extension of the extraction site (Phase 7), adjacent to the ornamental canal and woodland boundary (the Park Pale), which lie within the designated Grade II registered landscape at the western end of Ditton Park. Our recent visit to the site has confirmed our view that the setting of the 18th century canal, Gibraltar Bridge and lake designed by Capability Brown, in this important area of the registered park, would be adversely affected by any extraction taking place. We are therefore not convinced that the application's restoration proposals, while they seek to take account of the importance of these features, are of sufficient benefit to justify mineral extraction. In our view, such activity would result in harm over the extraction period and may result in longer term harm to the historical registered landscape and its heritage assets. Similarly, although the introduction of bio-diversity and amenity access are recognized as valuable public benefits, the proposed lake (as described in the September 2014 plans), which would sit in the field adjacent to the M4 and to the east of Riding Court Farm, is not in keeping either with the sinuous lines of Brown's canal design and the shape of other water features shown on the historic maps of the property also included within the HIA, nor the surviving simple agricultural landscape setting of the historic park. In addition, taking a long-term view, the lake's outline shape is also most incongruous within the wider setting of the historic registered landscape and would represent a significant alteration thereto. If however any extraction is allowed to proceed, then it should be conditional upon the mitigation measures as proposed in Sections 6.1 to 6.1.7 and pages 39 and 40 of the Heritage Impact Assessment (HIA) Report, being implemented, which would need to be monitored strictly. In particular, if any lake were to be inserted into the landscape it should be reduced in scale so that it does not protrude into the views to and from the registered park and with greater attention paid to its outline echoing the shapes of water bodies elsewhere within the historic landscape. In conclusion, it seems ironic that in 2015 the year before the tercentenary Brown celebrations, the setting of a rare surviving example of Brownian landscape within Berkshire should be at risk.</p>	<p>7.39 - 7.44</p>

RBWM Highway Officer	Several options for traffic routing have been advanced. The applicant's preferred option is known as Option 3A; all options are considered to be technically feasible. Conditions are requested in the event that planning permission is granted.	7.77 - 7.92
RBWM Environmental Protection Officer	No objections, subject to conditions.	7.57 - 7.76
RBWM Tree Officer	Objected to original submission in 2013; written comments awaited although the issues have been discussed with the Planning Officer.	7.28 - 7.30

## 9. APPENDICES TO THIS REPORT

- Appendix A - Location and site plans
- Appendix B - Relevant extracts from
  - The Berkshire Replacement Minerals Local Plan
  - The Waste Local Plan for Berkshire
  - The English Heritage listing for Ditton Park
- Appendix C - plan showing the sequence of extraction and restoration
- Appendix D - historic map extracts

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPPF.

In this case the issues have been successfully resolved.

## 10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority / Minerals Planning Authority within 7 days of such commencement.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
  
- 2 The extraction of minerals and the restoration of the site shall be carried out in accordance with the phasing in the approved plan; in addition, the developer shall notify the Local Planning Authority in writing within 7 days of the dates of the following:
  - i) commencement of a new phase of extraction of mineral;
  - ii) commencement of a new phase of importation of inert materials for the purposes of storage for restoration;
  - iii) commencement of landfilling inert waste for the purposes of the actual restoration;
  - iv) completion of each restoration phase;
  - v) completion of final restoration under this planning permission;Reason: to enable the Local Planning Authority to control the development and to monitor the site to ensure compliance with the planning permission, to minimise the impact upon amenity and to comply with policies and advice within the NPPF / NPPW. Relevant Policies - The Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted June 2003) GB1, GB2, HG1, LB2, CA2, DG1, T5, T6, P4, NAP3, NAP4, N6, N7, N9, ARCH2, ARCH3, ARCH4; Berkshire Replacement Minerals Local Plan (Incorporating Alterations Adopted in December 2007 and May 2001) ('BRMLP') BMP6, BMP7, BMP8, BMP9, BMP10, BMP11,



BMP18, BMP19, BMP20, BMP21, BMP28; Waste Local Plan for Berkshire (December 1998) WLP1, WLP11, WLP22, WLP25, WLP 27, WLP29, WLP30.

- 3 Extraction of minerals shall cease no later than six years of the commencement date for Phase 1 as notified in condition 2 above. All buildings / structures / roads / plant / hardstanding machinery and any other ancillary structures or surfaces used in connection with the permitted mineral extraction, other than any roads and plant that are required to remain in place until the site has been fully restored, shall be removed within four months of the cessation of extraction unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure development is carried out in accordance with submitted application and approved details, and to minimise the duration of disturbance from the development hereby permitted and to comply with Local Plan policies and advice within the NPPF / NPPW.
- 4 The final phase of landfilling with inert material hereby permitted shall cease with twelve years of the date of this permission and the site shall be restored within twelve months of the achievement of final tipping levels, whichever date is the earlier, in accordance with the relevant conditions below, unless otherwise approved in writing by the Local Planning Authority.  
Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interest of the amenities of the area and to comply with Local Plan policies and advice within the NPPF / NPPW.
- 5 In the event that the operations are terminated or suspended for a period in excess of six months, the excavated area and other operational land shall be restored in accordance with the scheme or schemes as approved under Conditions XX\_\_ within a period of 6 months from the date of notification by the Local Planning Authority except in accordance with details that have first been submitted and approval in writing by the Local Planning Authority.  
Reason: To enable the Local Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use and to comply with Local Plan policies and advice within the NPPF / NPPW.
- 6 No development shall commence until a master plan for the restoration and aftercare for the site, including restoration of the Historic Registered Park, has been submitted to and approved in writing by the Local Planning Authority; and, prior to commencement of each phase of extraction a detailed restoration and aftercare plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved, or as subsequently varied in writing by the Local Planning Authority. The submitted scheme shall make provision for a five year period of aftercare following the restoration of the site, specifying the steps to be taken and including:  
(i) Final restoration contours.  
(ii) Soil placement, including a scheme of soil handling.  
(iii) Planting details, including seed mixes.  
(iv) Details of cultivation, fertilising, watering and weed control.  
(v) Details of drainage. Annual reports shall be produced and submitted, for written approval, to the Local Planning Authority by 31 August in each year of the aftercare period, recording both the previous year's actual, and the forthcoming year's proposed, aftercare programme. Annual meetings shall be held with representatives of the Local Planning Authority, landowners and interested parties to review performance.  
Reason: To ensure the site is satisfactorily remediated in the interests of the amenities of the area, and to comply with Local Plan policies and advice within the NPPF / NPPW.
- 7 Operations and/or Activities (including site preparation, plant, equipment, machinery, their maintenance or repair, vehicle movements) shall only be carried out during the following times:  
07:00 to 17:00 hours Monday to Friday  
07:00 to 13:00 hours Saturdays  
and at no other times, including no other times on Sundays, Bank or Public Holidays.  
Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development, to comply with Local Plan policies and advice within the NPPF / NPPW.
- 8 The output of mineral from/total amount of material leaving the site shall not exceed a level of 350,000 tonnes per annum. From the date of this permission the operators shall maintain

records of their monthly output production and shall make them available to the Local Planning Authority at any time upon request.

Reason:: In the interests of limiting the effects on local amenity, to control the impacts of the development, to comply with Local Plan policies and advice within the NPPF / NPPW.

- 9 Details of the amount of waste deposited and remaining void space at the site shall be submitted to the Local Planning Authority for the period 1 January to 31 December each year. Such details shall specify:
1. The type of waste deposited at the site during the year;
  2. The quantity and type of waste deposited at the site during the year in tonnes;
  3. The volume in cubic metres (m<sup>3</sup>) of the remaining void space at 31 December. The details shall be submitted to the Local Planning Authority by 31 March for the preceding year with thereafter annual submission for the life of the development hereby permitted.
- Reason: In the interests of the amenities of the area, to comply with Local Plan policies and advice within the NPPF / NPPW.
- 10 A written record shall be maintained at the site office of all movements in and out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the vehicles' weight, the material being carried, registration number and the time and date of the movement and shall be made available for inspection by the Local Planning Authority on demand at any time.
- Reason: To allow the Local Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply with Local Plan policies and advice within the NPPF / NPPW.
- 11 No relocation and / or construction of buildings and structures associated with the development shall take place until details of their external appearance including construction materials, finishes and colours to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- Reason: For the avoidance of doubt, in the interests of visual/landscape amenity. Relevant policies - Local Plan DG1, GB1, GB2, N6, HG1, LB2, CA2
- 12 Prior to the commencement of any works of construction or excavation a set-up management plan showing how construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the site set-up works period shall be submitted to and approved in writing by the Mineral Planning / Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
- Reason:: In the interest of highway safety and safeguarding local amenity and to comply with RBWM Local Plan PolicyT5.
- 13 No development shall commence until a scheme altering the Riding Court Road/London Road mini-roundabout junction and widening part of the London Road carriageway east of the aforementioned junction for a distance of 600 metres (or as may otherwise be agreed) has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interest of highway safety and safeguarding local amenity and to comply with RBWM Local Plan PolicyT5.
- 14 No other part of the development shall commence until the access has been constructed in accordance with drawing no. X/CMXDatchet2.1/S11. The access shall thereafter be retained, and no other access shall be used by vehicles entering or exiting the site.
- Reason: In the interest of highway safety and safeguarding local amenity and to comply with RBWM Local Plan PolicyT5.
- 15 No site preparatory works shall take place until the entrance of the access road has been surfaced in accordance with details which have been submitted to and approved in writing by the Local / Mineral Planning Authority. The access road surfacing shall be implemented in accordance with the approved details and retained for the duration of the development hereby

permitted.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with RBWM Local Plan Policy T5.

- 16 No development shall take place until the details of wheel and underside chassis cleaning facilities have been submitted to and approved in writing by the Local Planning Authority. Also, the exit road shall be fitted with a water spray system to dampen down any dust that may arise in dry weather condition. The approved facilities shall be installed in accordance with the approved details and implemented and maintained for the duration of the development and restoration of the site hereby permitted. Without prejudice to the foregoing, no commercial vehicle shall leave the site unless the wheels and the underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.  
Reason: In the interests of highway safety and safeguarding local amenity and to comply with Local Plan policies and advice within the NPPF / NPPW.
- 17 No loaded HGV's shall leave the site unsheeted.  
Reason: In the interests of highway safety and safeguarding local amenity and to comply with Local Plan policies and advice within the NPPF / NPPW.
- 18 No development shall take place for the relevant phase of extraction and restoration until a plan for the parking of cars, lorries and any other vehicles that may use the site, including motorcycles and bicycles and turning areas has been submitted to and approved in writing by the Local Planning Authority. The parking and turning areas shall be permanently retained and maintained for parking and shall be used for no other purpose unless otherwise approved in writing by the Local Planning Authority.  
Reason: In the interest of highway safety, to ensure the free-flow of traffic on the public highway and to comply with Local Plan policies and advice within the NPPF / NPPW.
- 19 No part of the development shall be commenced until visibility splays of 160 metres by 4.5 metres have been provided at the junction with Riding Court Road; dimensions are to be measured along the edge of the Riding Court Road carriageway at their points of intersection with the junction. The areas within these splays shall be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level for the duration of the extraction and restoration.  
Reason: In the interests of highway safety and to comply with Local Plan T5.
- 20 No development shall take place until a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary, has been provided on both sides of the vehicular access. The sight splays shall be provided before the junction is first used by vehicular traffic and retained free of any obstruction at all times during the extraction and restoration.  
Reason: In the interests of highway safety and to comply with Local Plan policies and advice within the NPPF / NPPW.
- 21 Notwithstanding the provisions of the Town and Country Planning [General Permitted Development Order] 1995 [or any Order amending, replacing or re-enacting that Order], no gates shall be erected at the vehicular access unless they open inwards from the public highway towards the site and be set back a minimum distance of [6.0] metres from the nearside edge of the carriageway.  
Reason: In the interests of highway safety and to comply with Local Plan policies and advice within the NPPF / NPPW.
- 22 No development shall take place until details, showing the means to prevent the discharge of surface water from the development onto the public highway, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the access becoming operational and shall thereafter be retained and maintained for the duration of the development hereby permitted.  
Reason: In the interests of highway safety and to comply with Local Plan policies and advice within the NPPF / NPPW.
- 23 The Noise levels due to site operations and site preparation must not exceed the limit specified

in the table below at each noise-sensitive property as identified in the Noise Assessment and subsequent Technical Note.

Riding Court - Tree Tops (dwelling): Noise Level dB(A (site operations):55 Noise Level dB(A (site preparation)70

Riding Court House (offices): Noise Level dB(A (site operations)55 Noise Level dB(A (site operations) 70

London Road: Noise Level dB(A (site operations) 55 Noise Level dB(A (site operations) 70

Whites Lane: Noise Level dB(A (site operations)55 Noise Level dB(A (site operations) 70

Castleview Road: Noise Level dB(A (site operations)55 Noise Level dB(A (site operations) 70

Blenheim Road: Noise Level dB(A (site operations)55 Noise Level dB(A (site operations) 70

CA Technologies, Ditton Park: Noise Level dB(A (site operations)57 Noise Level dB(A (site operations) 70

CA Nursery Outdoor Facilities: Noise Level dB(A (site operations) 57 Noise Level dB(A (site operations) 70

CA Technologies Tennis Court: Noise Level dB(A (site operations) 57 Noise Level dB(A (site operations) 70

Note: all noise levels are measured as dB(A)L<sub>Aeq</sub>, 1hr (free field)

\* Site operations include noise emanating from plants, equipment, machinery and vehicles using the access road.

\*\* Site preparation (short-term activities) includes creation of access road, soil stripping, bund formation, restoration work and shall not exceed a total of eight weeks in any calendar year.

Reason: To protect the amenity of the area and prevent nuisance arising from noise and to accord the NPPF Technical Guidance.

- 24 Noise monitoring checks shall be undertaken to validate predicted noise levels at each noise-sensitive property, as identified in the Noise Assessment and subsequent Technical Note. The monitoring is to ensure compliance with noise limits, set out in condition 23, throughout the phased operations and preparation of the site. Any breaches of the noise limits shall be notified to the Local Planning Authority with immediate effect and shall include details of the corrective action/s taken or proposed to resolve the breach. Any corrective action/s taken shall be retained for the duration of the activities.

Reason: To protect the amenity of the area and prevent nuisance arising from noise and to accord the NPPF Technical Guidance.

- 25 All plant, equipment and machinery shall comply with current noise emission/silencing standards and shall be maintained in good working order at all times. Any breakdown or malfunctioning leading to increased noise and/or dust emissions shall be dealt with promptly. Site operations shall be adjusted or suspended until normal working conditions of any malfunctioning plant, equipment and machinery is restored.

Reason: To protect the amenity of the area and prevent nuisance arising from noise and to accord the NPPF Technical Guidance.

- 26 The layout shall be arranged so as to allow vehicles fitted with reversing alarms to turn without the need to reverse. Where reversing alarms are used on earth-moving plants, quieter or silent types shall be used in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the area and prevent nuisance arising from noise and to accord with the Local Plan Policy NAP3

- 27 Prior to the commencement of each relevant phase a plan showing full details of the location, profile, layout soil types, culverts and landscaping of the proposed bunds, along with any necessary swales, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include an assessment of the level of noise attenuation the bunds will provide in relation to noise-sensitive properties. The bunds shall be constructed in accordance with the approved plan and drawings, and subsequently removed as part of any phased restoration.

Reason: To protect the amenities of the area, to minimise flood risk, to minimise structural damage and compaction of soils to aid final restoration, and prevent noise nuisance and to accord the NPPF Technical Guidance

- 28 Prior to the commencement of the development a dust management plan detailing mitigation

measures to control dust emission arising from site operations, site preparation (includes the creation of access road, hard standing, soil stripping, bund formation and restoration work), plant, equipment, vehicles and machinery shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include detailed drawings of the site layout and the proposed 5 metre bunds to be erected around the edge of the processing plant site. The plan shall be implemented in full and in accordance with the approved dust management plan. All dust arising from the site operations/preparation shall be contained within the site boundaries  
Reason: To protect the amenities of the area and prevent dust nuisance and to accord the NPPF Technical Guidance

- 29 No fixed lighting for each phase of extraction and restoration shall be erected or installed until details of the hours of operation, location, height, design, sensors, and luminance have been submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting and shall thereafter be erected, installed and operated in accordance with the approved details for the duration of the extraction and restoration.  
Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area and in the interests of highway safety), in the interests of mitigating the impact on bats and to comply with Local Plan policies and advice within the NPPF / NPPW.
- 30 No stripping or spreading of overburden/topsoil/subsoil or excavation of minerals shall take place when the wind speed [Note: Direction of wind as well as speed may need to be considered an additional issue] measured at the site equals or exceeds 28 knots. Prior to the stripping of overburden, an anemometer shall be installed and maintained throughout the life of the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted.  
Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Local Plan policies and advice within the NPPF / NPPW.
- 31 Prior to the commencement of the development a complaint procedure showing details of how the operator will record, address and respond to complaints from local residents relating to environmental matters including noise, dust, HGVs traffic and lights, shall be submitted to and approved in writing by the Local Planning Authority.  
Reason: To prevent and resolve nuisance complaints and to comply with Local Plan policies and advice within the NPPF / NPPW.
- 32 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until points 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until point 4 has been complied with in relation to that contamination.

1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;
- as assessment of the potential risks to:
  - human health
  - property (existing or proposed) including buildings, crops, livestock, adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments:
- an appraisal of remedial options, and proposal of preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme. A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting Unexpected Contamination In the event that contamination is found at anytime when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of point 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2, which is the subject of the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of (x) years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policy Local Plan NAP4.

- 33 No construction works or any other development shall commence on each relevant phase until a detailed reptile mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy should include the following: full details relating to the timing and methodology of follow-up habitat assessment surveys; a full methodology of the mitigation techniques that would be adopted to avoid/minimise harm to reptiles, including timings; details relating to follow-up presence/absence surveys of temporary habitats that might be suitable for reptiles (e.g. earth bunds or grassland strips alongside extraction zones); full details of contingency mitigation measures that would be implemented in the event that follow-up surveys

indicate more than a 'low' population of reptiles (if trapping and translocation is proposed, suitable receptor sites must be identified); and, habitat enhancements for reptiles. The development shall then be carried out in accordance with the approved mitigation strategy and enhancement measures.

Reason: In the interests of wildlife protection and to mitigate any adverse impact on the reptile population within or around the site, along with enhancement, thus to accord with the relevant legislation and Section 11 of the NPPF.

- 34 No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations should take place during the period of 1st March to 31st August inclusive.

Reason: In the interests of wildlife protection and to mitigate any adverse impact on the bat population within or around the site thus to accord with the relevant legislation and Section 11 of the NPPF.

- 35 No development shall commence on any relevant phase of extraction until a follow-up badger survey and necessary mitigation has been submitted to and approved in writing by the Local Planning Authority. Any necessary mitigation shall be retained in accordance with the approved scheme.

Reason: In the interests of wildlife protection and to mitigate any adverse impact on the badger population within or around the site thus to accord with the relevant legislation and Section 11 of the NPPF.

- 36 On-site ditches and streams shall be reassessed annually throughout the period of extraction to confirm that these habitats remain unsuitable for water voles and/or to confirm the continued absence of this species. The results of these surveys should be submitted to and approved in writing by the Local Planning Authority prior to each phase of extraction commencing. In the event that the protected species are encountered details of necessary mitigation shall be submitted to and approved in writing by the Local Planning Authority. Any necessary mitigation shall be retained thereafter in accordance with the approved details.

Reason: In the interests of wildlife protection and to mitigate any adverse impact on the water vole and dormice population within or around the site thus to accord with the relevant legislation and Section 11 of the NPPF.

- 37 No development shall commence until details of a scheme for the eradication of invasive species has been submitted to and approved in writing by the Local Planning Authority. The removal of the Knotweed shall be carried out in accordance with the approved details prior to site set up and construction activities.

Reason: To eradicate the invasive species from the site to prevent it spreading during the development in the interests of the character and appearance of the area.

- 38 No development shall commence on each phase until a management plan covering soil stripping, handling, movement and the machinery to be used has been submitted to and approved in writing by the Local Planning Authority. The extraction and restoration shall be carried out in accordance with the approved details and no excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation [except for the purpose of stripping that part or stacking of topsoil in that part] unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with the details agreed under this condition.

Reason: To eradicate the invasive species from the site to prevent it spreading during the development in the interests of the character and appearance of the area.

- 39 No development shall take place until a programme of archaeological work in accordance with a scheme of investigation has been submitted to and approved in writing by the local planning authority.

Reason: To ensure the continued preservation in situ or by record of any finds made in this area of archaeological interest. Relevant Policies - Local Plan ARCH2, ARCH3, ARCH4.

- 40 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference number J2962/1, revision 2, dated November 2012, the recommendations set out in Chapter 10 of the Environmental Statement,

dated May 2013 and the following mitigation measures detailed within the FRA:

Soil storage bunds will be located outside flood zone 3b (functional flood plain - 5% AEP) and will be grassed to reduce any surface water runoff and swales constructed at the foot of their outer slopes;

Culverts will be placed at 25 metre intervals along portions of the base of the soil bunds within flood zone 3 (1% AEP with a 20% allowance for climate change). For portions of bunds in flood zones 2, this interval will be 50 metres;

To manage residual risks routine inspection of the bunding, the swales and the culverts will be undertaken to ensure that these are intact and functioning correctly;

Plant site and access road to be located in flood zone 1 and will comprise of natural gravel base to allow for drainage. Runoff from roof and access roads will be to soakaway;

Field conveyor to be constructed on legs to avoid any flood water flow route obstruction;

A flood management plan and evacuation plan will be prepared and supplied to all members of staff and visitors for the duration of the operations work at the site;

Spillways to be created for each of the proposed lakes to divert excess runoff back to the Datchet Common Brook. The design should ensure that the rate of outflow doesn't increase flood risk downstream of the lakes.

The mitigation measures shall be fully implemented prior to completion and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: This condition is sought in accordance with saved policy F1 of the RBWM local plan (adopted 2003) and paragraph 103 of the National Planning Policy Framework (NPPF). It seeks to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site as not to increase flood risk onsite or elsewhere. Furthermore, it aims to reduce the risk of flooding elsewhere by ensuring that satisfactory compensatory storage of flood water is provided.

- 41 The waste water from the site wheel wash area must be connected to a foul water drainage system or be collected in a sealed tank and removed from site as a hazardous waste as proposed within the submitted documents.  
Reason: This condition is sought in accordance with paragraph 109 of the National Planning Policy Framework (NPPF) and the European Water Framework Directive (WFD). Water from the wash will contain sediment and oil from vehicles and if not satisfactorily managed the contaminated wastewater will cause deterioration in water quality. This would be contrary to the WFD.
- 42 All stones and other materials in excess of 150mm in any dimension shall be picked and removed from the final restored surface of the site.  
Reason: To ensure the restored land is agriculturally versatile and to comply with Local Plan policies and advice within the NPPF / NPPW.
- 43 An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for (agricultural/amenity/woodland) use shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of restoration works/infilling/the placement of soils on site. The submitted Scheme shall:
- Provide an outline strategy for the five year aftercare period. This shall specify steps to be taken and the period during which they are to be taken. (In the case of agriculture) The scheme shall include provision of a field drainage system and provide for an annual meeting between the applicants and the Local Planning Authority.
  - Provide for a detailed annual programme, to be submitted to the Local Planning Authority not later than two months prior to the annual Aftercare meeting.
  - Unless the Local Planning Authority agree in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme. The development shall be implemented in accordance with the approved aftercare scheme.
- Reason: To ensure the satisfactory restoration of the site for agriculture/amenity/woodland and to comply with Local Plan policies and advice within the NPPF / NPPW.
- 44 Within 12 months of the placement of topsoil in any phase of restoration, details of under-soil drainage and associated surface drainage for the restored land shall be submitted to and



approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To aid the rehabilitation of the site for beneficial use and to comply with Local Plan policies and advice within the NPPF / NPPW.

- 45 Prior to the commencement of each phase of development details of the siting, design and appearance of site office and weighbridge shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the office and weighbridge shall be retained in accordance with the approved details.

Reason:: In the interests of the amenities of the area and the location of the site in the Green Belt and the historic park.

- 46 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery, except as detailed on the approved plans, or approved by the conditions of this permission, shall be erected, extended, installed or replaced on the site without the prior approval of the Local Planning Authority.

Reason: Because the site is in the Green Belt and in the interests of the openness of the Green Belt and the setting of the historic parkland. Relevant Policies GB1, HG1

- 47 Prior to any stripping of soils from any part of the extraction area, a detailed levels survey shall be submitted to and approved in writing by the planning authority, and unless otherwise first approved in writing no finished ground provided in the restoration of the site shall exceed the levels in the pre-commencement levels survey.

Reason: To ensure that the level of visual amenities and openness of the Green Belt provided by the agricultural restoration are properly provided for, and to prevent an increased risk of flooding elsewhere due to any reduction of floodwater storage capacity that would otherwise occur. Relevant Policies - Local Plan GB1, GB2 and F1 and advice within the NPPF / NPPW.

- 48 Prior to the commencement of development an updated Bird Hazard Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with this plan.

Reason: To ensure aviation safety given the proximity to Heathrow Airport, and to comply with Local Plan policies and advice within the NPPF / NPPW.

- 49 Unless otherwise first approved in writing by the Local Planning Authority the development shall be carried out in accordance with the approved plans.

Reason: To ensure that the development is carried out in accordance with the approved details.

### **Informatives**

- 1 The restoration shall incorporate into the scheme's design new ditches, scrapes or areas of wet grassland for amphibians and invertebrates; additional hedgerows and scrub; herpetofauna refuge/hibernacula; and, bat and bird boxes.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD  
PANEL UPDATE

Windsor Urban Panel

Application No.:	13/01667/FULL
Location:	Land At Riding Court Farm Riding Court Road Datchet Slough
Proposal:	Extraction of sand and gravel at Riding Court Farm. Erection of processing and ready mixed concrete plants and associated infrastructure. Creation of new access and restoration of the site to agriculture and two landscaped water areas by the importation of inert restoration material for a period of 12 years
Applicant:	Cemex UK Operations Ltd
Agent:	Not Applicable
Parish/Ward:	Datchet Parish
If you have a question about this report, please contact: <b>Alistair de Joux</b> on <b>01628 685729</b> or at <b><a href="mailto:alistair.dejoux@rbwm.gov.uk">alistair.dejoux@rbwm.gov.uk</a></b>	

**1. SUMMARY**

- 1.1 The applicant has requested clarification on the terms of the recommendation in the event that a mechanism for reintegrating the historic parkland in Phase 7 back into the main part of Ditton Park, and this is clarified below. An addition point made in the Conservation Officer's consultation response, which was omitted from the main report, regarding funding of certain restoration works is also included below.
- 1.2 Comments from the Highways Agency were not reported in the main report. The comments and condition requested are summarised below.
- 1.3 Comments have been received from the Council's ecologist and arboricultural officer, and are summarised below.
- 1.4 The applicant has served an objection on the recently made Tree Protection Order on the large oak tree noted on the 4.8, 7.28 - 7.29 and 7.106 of the main report.
- 1.5 The applicant has also commented on conditions in the main report, and this is also discussed below. It has been requested that full phasing plans and a restoration plan is made available for this meeting, and these are included in this update report.

**The recommendation in the main report is amended as follows:**

It is recommended the Panel authorises the Director of Development and Regeneration:

- |           |  |
|-----------|--|
| <b>1.</b> | To grant planning permission on the satisfactory completion of an undertaking to provide for: <ol style="list-style-type: none"><li>(i) adherence to the selected travel route;</li><li>(ii) additional provisions to specify that no extraction in Phase 7 may take place until an additional or supplemental agreement has been reached with the landowner of Ditton Park to secure the proper reintegration of this land with Ditton Park following restoration along with funding for restoration works for the Gibraltar Bridge and land directly adjoining the application site; and</li></ol> |
|-----------|--|

	(iii) for the aftercare of the whole site for a minimum period 25 years following completion of restoration; with the conditions listed in Section 11 of the main report, with any further necessary modifications, and the additional conditions noted at Section 3 of this update report.
2	To refuse planning permission if an undertaking has not been satisfactorily completed by 30 <sup>th</sup> June 2015 that would (i) provide for adherence to the selected travel route and / or (ii) additional provisions to specify that no extraction in Phase 7 may take without proper reintegration with Ditton Park being secured, and / or (iii) for the aftercare of the whole site for a minimum period 25 years following completion of restoration, for the reason that the proposed development would result in unacceptable impacts that cannot be satisfactorily controlled by conditions.

## 2. ADDITIONAL INFORMATION

2.1 Since the main report was writing, discussions with the applicant have continued on the terms of a mechanism for reintegrating the historic parkland in Phase 7 back into the main part of Ditton Park. The recommendation for approval (with the decision to be deferred and delegated to the Head of Development and Regeneration) is made subject to this being secured in a section 106 agreement. The case made at 7.106 and elsewhere in the main report is that the substantial harm to the historic parkland would only be acceptable if it can be demonstrated that the Phase 7 land can properly integrated back into the main part of Ditton Park post-restoration. This would require the agreement of the Ditton Park landowner. The applicant has made a case that any such agreement is much more likely to be achieved after restoration has taken place. However, if this phase extraction is allowed to proceed without such an agreement then there is no guarantee that the re-integration of the land with the main part of Ditton Park would ever take place. The applicant also sees the timeframe for completing the required negotiations, as set out in the recommendation, as unachievable. This could be overcome with the revised recommendation included in Section 1 of this update.

2.2 An additional point was also made in the Conservation Officer's consultation response regarding the restoration and reintegration of the Phase 7 land with Ditton Park, which was omitted in the main report. This was how restoration works of features such as Gibraltar Bridge would be funded. The amended recommendation, if accepted in the form set out in Section 1 of this report, would also allow for such funding to be negotiated with the applicant.

### Highways Agency:

2.3 The Highways Agency have not objected to the proposals, subject to an additional condition being included in any planning permission granted, which is included in Section 3 below.

### Ecology:

2.4 Further comments have been received from the Council's consultant ecologist, who confirms that the information received in the Regulation 22 submission is satisfactory. Some changes to the Council's draft conditions are recommended; the general intentions of the conditions related to ecology would not be changed.

### Impacts on trees, including objection to recent Tree Protection Order:

2.5 The applicant has served an objection on the recently made Tree Protection Order on the large oak tree noted at 4.8, 7.28 - 7.29 and 7.106 of the main report. The objection will be considered in a separate report to a future Panel meeting, but it is noted that a case is made that the tree is not of particular ecological or landscape value, and it is not considered that the tree is a veteran tree. The applicant has acknowledged that, in the context of the 2.1 million tonnes of minerals to be extracted (including the historic parkland), the quantity of resource that would be sterilised is not large. Difficulties with operational works are also cited; however the spaces for extraction around the tree are generous. The remaining issue is whether the retention of the tree is

sustainable in the long term, and as already noted in the main report, the tree has co-existing with arable agriculture for many years.

- 2.6 Further comments have been received from the Council's arboricultural officer, which relate particularly to the protected oak tree. These comments are generally in line with the position taken in the main report. The arboricultural officer acknowledges that the tree would not be classified as 'ancient', but maintains that it is a 'veteran'. An additional condition is recommended in regard to tree protection. Irrespective of its status, there appears to be no question that it is an 'aged' tree, and as noted at 7.28 of the main report, NPPF 118 seeks to resist the loss of the loss not only veteran trees but also resists the loss of aged trees, unless the needs and benefits of the development clearly outweigh the loss.
- 2.7 Taking all of the above information into account, it is considered that the view set out in the main report in regard to the protected tree remain robust. However, it is noted that the scale of the phasing plans have not allowed an accurate assessment of the impacts of all the required 'stand-offs' and the position and extent of bunds to ensure that there would be no adverse impacts from site operations on hedges and trees. An additional condition is therefore recommended in regard to tree protection, as set out in Section 3 below.

Applicant's comments on conditions and additional plans included in this report:

- 2.8 The applicant has provided detailed comments on conditions in the main report. These are still being worked through, but the general intentions of the conditions are agreed. Some modifications may be appropriate (for example, as noted in relation to ecology in 2.4 above); aspects of the timing of some of the preparatory works are a case in point, as some of the pre-commencement conditions as set out in the main report appear to be overly restrictive in regard to necessary works to provide access into the site. The amended recommendation above provides for these conditions to be refined as necessary.
- 2.9 The applicant has also requested that full phasing plans and a restoration plan is made available for this meeting, and these are included in this update report. It should however be noted that these are likely to be subject to further amendment, particularly in relation to positioning of tree protection and bunding in relation to retained trees and hedges. The protected tree is also not shown as such on these plans.

Other matters:

- 2.10 The Council's Environmental Protection Officer has requested that condition 23 should be amended to provide a noise limit of 55db at all sensitive locations. This condition will also be re-formatted to clarify these locations, if planning permission is granted.
- 2.11 No additional comment has been received from the Environment Agency (EA) on hydrogeological issues (7.22 - 7.24 in the main report). It is noted that the EA has lifted its objections on this point, and that conditions recommended in the main report would control other potential impacts in regard to ground water.

**3. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 3.1 As in the main report (with any necessary modifications), and the following additional conditions:
- 49 An unworked margin of 20m from the top of mineral excavation to the M4 highway boundary (the fenceline) and with a maximum 1 in 2 slope angle shall be maintained throughout the lifetime of this development.  
Reason:To ensure that the development does not compromise the safe and efficient operation of the M4 motorway.
- 50 No development shall take place until a joint Highway Condition Survey between the applicant and Highways Authority is undertaken and the results submitted to and approved in writing by the Local Planning Authority. Upon completion of the works a second and final

joint Survey shall then be undertaken and the results submitted to the Local Planning Authority; any highway defects attributed to the development or as agreed by both parties are to be repaired by the developer at their expense.

Reason: To provide a basis for ensuring that any reasonable repairs to the highway are carried out following the cessation of extraction and restoration operations, as provided for by Section 59 of the Highways Act 1980.

- 51 There shall be no transportation of soils including overburden from the site unless otherwise first approved in writing by the Local Planning Authority. Importation of bulk materials other than for restoration purposes shall be limited to cement and specialist sands required for the manufacture of concrete.

Reason: To ensure that no additional heavy goods vehicle movements and resulting highways impacts result from the operations at the site, over and above those have been assessed in the Environmental Statement and considered by the Local Planning Authority .

- 52 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees and hedges to be retained shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include sufficient information to ensure that retained trees and hedges will not be compromised by the location of bunds. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1 and N6 and advice set out in the NPPF.



## WINDSOR URBAN DEVELOPMENT CONTROL PANEL

3 February 2016

Item: 4

<b>Application No.:</b>	15/03147/FULL
<b>Location:</b>	18 - 19 Thames Street Windsor SL4 1PL
<b>Proposal:</b>	Conversion of premises to provide 6 x residential apartments to include single storey extension, reconfiguration of car parking with new landscaping provision and internal and external alterations
<b>Applicant:</b>	Ladham Properties Limited
<b>Agent:</b>	Mr Paul Woods- Capita Property And Infrastructure
<b>Parish/Ward:</b>	Castle Without Ward

**If you have a question about this report, please contact:** Claire Pugh on 01628 685739 or at [claire.pugh@rbwm.gov.uk](mailto:claire.pugh@rbwm.gov.uk)

3 February 2016

Item: 4

<b>Application No.:</b>	15/03148/LBC
<b>Location:</b>	18 - 19 Thames Street Windsor SL4 1PL
<b>Proposal:</b>	Consent for conversion of premises to provide 6 x residential apartments to include single storey extension and internal and external alterations.
<b>Applicant:</b>	Ladham Properties Limited
<b>Agent:</b>	Mr Paul Woods - Capita Property And Infrastructure
<b>Parish/Ward:</b>	Castle Without Ward

**If you have a question about this report, please contact:** Claire Pugh on 01628 685739 or at [claire.pugh@rbwm.gov.uk](mailto:claire.pugh@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 This report relates to a planning application and Listed building application for the provision of 6 flats within numbers 19 Thames Street and Cavendish House in Windsor. The rear portion of number 19 Thames Street (subject to this application) is Grade II Listed, and the site is within the Windsor Town Centre Conservation Area.
- 1.2 The principle of the conversion from office space to flats is considered to be acceptable, and in accordance with planning policy within this town centre location. The proposed external alterations and single storey extension is considered to have an acceptable impact on the setting of the Listed Building, and is considered to preserve the appearance of the Conservation Area. The scheme retains parking spaces which exceed the Council's maximum parking standards in an accessible location such as this, and the reconfiguration of the car parking area on balance would have an acceptable impact on important trees in this area.
- 1.3 In respect of the Listed Building application, the proposed alterations to facilitate the conversion to residential use are not considered to cause harm to the historic fabric of the Listed Building and is considered to be acceptable.

<b>It is recommended the Panel grants planning permission and Listed Building consent subject to the conditions listed in Section 9 of this report.</b>
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### 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Bowden (irrespective of officer recommendation) (for the Listed Building consent) for the reason that it is a substantial change of use, and in respect of the planning application, the Council's Constitution does not give the Borough Planning Manager authority to determine the application in the way recommended; such decisions can only be made by the Panel.

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises the rear portion of 19 Thames Street, Windsor, a grade II Listed building, and Cavendish House an adjoining unlisted building. The site is situated within the Town Centre Conservation Area. The buildings are currently vacant, but have more recently been used as offices.
- 3.2 The entrance to this part of the building is from a private car park, which is accessed through River Street car park. There are trees within the private car park area. A footpath connecting River Street car park and Alexandra Gardens to Thames Street runs to the south of the application site. The private car park area to the rear of the building is situated in flood zone 2 (medium risk flooding), the buildings subject to the application are not situated within the flood zone.
- 3.3 The front portion of number 18 Thames Street is subject to a separate planning application for a restaurant (A3 use). The immediate area comprises commercial uses expected in a town centre location, with some residential properties at first floor.

### 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
13/03129/FULL	Conversion of existing office premises to 8 no. residential apartments to include internal and external alterations, reconfiguration of car parking area and new landscaping provision.	Permitted 6 <sup>th</sup> December 2013.
13/03130/LBC	Consent to convert the existing office premises to 8 no. residential apartments to include internal and external alterations.	Permitted 19 <sup>th</sup> December 2013.
15/03073/FULL	Conversion and change of use of 18 Thames Street and part of Devenish House to A3 restaurant to include internal and external alterations and new plant at flat roof	Currently under consideration.
15/03074/LBC	Proposed internal and external alterations and new plant at flat roof to facilitate conversion of building.	Currently under consideration.

- 4.1 The application for planning permission seeks approval for the change of use of the existing office space to 6 flats, together with a single storey extension, reconfiguration of car parking area, and external alterations to the building. There are no external alterations proposed to the rear elevation of 19 Thames Street (which is Listed), however there are external alterations proposed to Cavendish House, which comprise:

- Enlarged window openings on the rear elevation
- The formation of a Juliette balcony
- The walls (which are currently red brick) would be finished in an off-white render
- A single storey extension to the rear of Cavendish House
- The reconfiguration of the private car park, and raising the height of the boundary wall in order to screen the bin store

- 4.2 The Listed Building application proposes internal alterations to the building to facilitate the conversion of the building to 6 flats, and the main internal alterations are described below.

#### Ground Floor

- Re-configuration of the layout of the building at ground floor, most of which are modern additions, however, it is proposed to remove the ground floor wall as part of residential Unit 1, the current site investigations point to this having been earlier removed in its entirety and replaced with modern construction.



- The internal alterations proposed at first floor relate entirely to modern partitions and additions

Second floor

- Internal alterations are proposed through the creation of new partition walls and the removal of existing walls, however, these do not form part of the historic plan form.

Third and fourth floor

The third and fourth floors of Cavendish House and the rear part of 19 Thames Street are to be reconfigured to provide:

- Unit 4: Located within the rear portion of 19 Thames Street. Unit 4 is a 2 bedroom apartment split over the two floors; and
- Unit 5: Located within the 1980s Cavendish House. Unit 5 is a 1 bedroom self-contained apartment.

4.3 Alterations to form Unit 4 are limited to minor alterations and reconfiguration of partitions of mixed age. There would be no loss of historic fabric from the creation of unit 5. Unit 6 is contained entirely within Cavendish House and a newly proposed modern extension.

**5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION**

5.1 National Planning Policy Framework:

- Paragraphs 131 and 132- Heritage Assets
- Paragraph 118- Biodiversity

**Royal Borough Local Plan**

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

	<b>Within settlement area</b>	<b>Conservation Area</b>	<b>Listed Building</b>	<b>Trees</b>	<b>Highways /Parking issues</b>
Local Plan	DG1, H10, H11, WTC3, H6, NAP3	CA2	LB2	N6	T5, P4

5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Sustainable Design and Construction

More information on these documents can be found at:

[http://www.rbwm.gov.uk/web/pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm)

**Other Local Strategies or Publications**

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at: [http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- RBWM Parking Strategy - view at: [http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- Conservation Area appraisal - view at: [http://www.rbwm.gov.uk/web/pp\\_conservation\\_consultation\\_appraisals.htm](http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm)

## 6. EXPLANATION OF RECOMMENDATION

### **Planning application 15/03147**

6.1 The key issues for consideration are:

- i Principle of development;
- ii Impact on the Conservation Area;
- iii Impact on the setting of the Listed Building;
- iv Impact on trees;
- v Flood zone;
- vi Impact on amenity of neighbouring occupiers;
- vii Protected species
- viii Car parking
- ix Archaeology

### **Listed Building application 15/03148/LBC**

- i Impact on the historic fabric of the Listed Building

### **Planning application 15/03147**

#### Principle of development

- 6.2 The National Planning Policy Framework (NPPF) is supportive of competitive town centres, and promotes a mix of uses, including retail, leisure, office and residential.
- 6.3 The provision of housing stock within Windsor town centre is supported by Local Plan policies WTC3 and H6 of the Local Plan. Policy WTC3 supports the provision of housing stock, (provided it meets Policy H6 of the Local Plan). Policy H6 of the Local Plan is supportive of additional residential accommodation within town centres.

#### **Impact on the Conservation Area**

- 6.4 When considering a planning application that affects a Conservation Area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area (S72 of the Listed Buildings and Conservation Area Act 1990).
- 6.5 In this case, it is considered that the proposed external alterations to the building, including the changes to the windows at Cavendish House would preserve the appearance of the Conservation Area. The proposed single storey extension has been designed to relate well to the existing building and would appear subservient. It is considered that the proposed extension would preserve the appearance of the Conservation Area.

#### **Impact on the setting of the Listed Building**

- 6.6 The planning assessment can only consider the impact of the proposed alterations on the setting of the Listed building, and cannot consider whether the proposed external and internal alterations would cause harm to the fabric of the Listed Building (this is the consideration under the Listed Building application).

- 6.7 The rear of 19 Thames Street which is Grade II Listed is to remain unaltered. The proposed single storey extension to Cavendish House (the modern addition) would appear subservient in relation to the main building. It is considered it would relate well to the building in terms of its design and materials. It is not considered that it would cause harm to the setting of the Listed Building.

### **Flood zone**

- 6.8 The building itself is not situated within a flood zone; most of the car park is situated within flood zone 2 (medium risk flooding). Future occupiers of the flats would achieve a safe means of escape from the flats from the site up West Passage onto Thames Street.

### **Impact on trees**

- 6.9 The site is within the Conservation Area and therefore all trees with a stem diameter greater than 75mm are protected. There are three trees recorded within the site boundary, T2 (Ash), T3 (Holm Oak) and T5 (Purple Norway Maple) and one off-site tree on Council land, T4 (Sycamore). The proposal would result in the direct loss of a middle aged Norway maple, T5. The tree is only of fair condition and its removal is not objected to in principle. An amended external layout plan for the private car park area has been submitted, and the comments below relate to the amended layout plan.

- 6.10 The proposed extension comes within the radial root protection area (RPA) of the mature Holm oak, T3, however, given the improvement to the RPA by the additional 'amenity lawn' within the RPA of T3, the incursion by the building into the RPA of this tree is considered to be acceptable. However, roots at this distance will be small diameter and not easy to protect. The tree officer advises that pile and beam is preferable to strip foundations and therefore should be used instead. A condition to secure the details of the foundations to be used for the extension is recommended (see condition 9).

- 6.11 The amended layout plan shows the bin storage for the residential units moved to the existing bin storage area on the northern boundary of the site. The area to the south of the tree will be laid out as amenity lawn in place of current hard standing. The bin store shown near the Holm Oak is for the proposed A3 restaurant use, subject to another planning application. A timber enclosure is proposed around the bin in place of a brick enclosure connected to a new pillar, this is subject to a condition for details to be submitted to and approved by the Local Planning Authority (Condition 11).

- 6.12 There will be shading from approximately mid afternoon onwards as well as contending with debris fall from the Holm Oak (T3) to the private amenity area for unit 6. This may result in pressure to detrimentally prune or remove the tree by future owners/occupiers. After due consideration it is not considered that this would warrant refusal of the planning application. The applicant makes the following comment on this matter:

*'With respect to shading, the tree lies to the NW of the proposed extension and due to the orientation and outlook of Unit 6, the tree will not cause any overshadowing. With respect to debris fall, the tree is situated 9.5 metres away from the extension at its closest point whilst branches only extend 5 metres, therefore debris, if present, will only fall onto a small part of the garden. Our arboricultural expert has advised that there are many situations where trees grow more closely to buildings without this sort of pressure and in any event the Conservation Area status provides that the Council with the powers to control any tree pruning.'*

- 6.13 A new tree has been proposed within the 'amenity lawn' area. It is considered a replacement tree could be planted a more prominent location on the site; underground utilities may preclude a more ideal location. It is therefore recommended that a condition is imposed to require details of the replacement tree in a more prominent location to be submitted to and approved by the LPA (Condition 8).

### **Impact on amenity of neighbouring occupiers**

- 6.14 As the site is situated within a town centre location, a higher level of overlooking may be accepted compared to non-town centre locations, due to the high density urban form. The creation of the roof terrace is not considered to result in unacceptable overlooking to any nearby residential properties.

### **Protected Species**

- 6.15 A bat survey has been submitted with the application. The ecology survey found the buildings to have low potential to support bats, and that no further surveys or mitigation measures for bats are recommended. This is considered to be acceptable and complies with paragraph 118 of the NPPF.

### **Car Parking**

- 6.16 The development proposes 6 apartments comprising 2 x 1 beds and 4 x 2 bed apartments served by 8 car parking spaces. This parking provision exceeds the Council's parking standards for an area of good accessibility such as this, which would be 5 spaces for this size of development. A condition is not recommended to retain these parking spaces for the lifetime of the development, as this is a town centre location which is accessible and parking provision would not be necessary to make the development acceptable.

### **Archaeology**

- 6.17 Previous archaeological investigations in the vicinity of 18-19 Thames Street have demonstrated the survival of medieval deposits and remains of other periods. The potential impacts of this proposed development relate to the reconfiguration of the car park and associated landscaping. This work has the potential to impact on medieval backland deposits. A condition is recommended to secure a written scheme of investigation (Condition 5).

### **Listed Building application 15/03148/LBC**

#### **Impact on the fabric of the Listed Building**

- 6.18 The heritage consultant for the applicant opened up some of the ground floor wall proposed for demolition as part of residential Unit 1 to ascertain the historic significance. The heritage consultant for the applicant advised that while they suspect that there would have originally been a solid wall in this location, current site investigations point to this having been earlier removed entirely and replaced with modern construction, presumably during the mid to late twentieth century. It is considered that the proposals to provide the opening within the wall should therefore not affect any historic fabric. As there would be a change to the plan form, the retained wall nibs either side of the opening and the change in level adequately demonstrate the transition between two areas of the listed building and clearly show that this is an alteration to plan form. This change is satisfactory. The central chimney stack remains unaffected by the proposals. The other internal alterations proposed to the Listed Building relate to more modern elements, and would not cause harm to the historic fabric of the building in compliance with Local Plan Policy LB2.

## **7. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

4 occupiers were notified directly of the application.

The application was advertised in the Maidenhead & Windsor Advertiser 22<sup>nd</sup> October 2015 (a statutory requirement).

The planning officer posted a statutory notice advertising the application at the site on 16<sup>th</sup> October 2015.

## Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Highways	<p>Comment that the site currently benefits from 19 car parking spaces accessed from River Street Car Park. The development proposes 6 apartments comprising 2 x 1 beds and 4 x 2 bed apartments served by 8 car parking spaces.</p> <p>Despite the reduction from 19 to 8 parking spaces proposed, the development still complies with the Authority's maximum parking standard. Highways offer no objection, subject to conditions for a Construction management plan, parking to be retained, details of cycle parking to be submitted, and refuse storage provided in accordance with the plans.</p>	6.16 and recommended conditions (4,6,13)
Berkshire Archaeology	<p>Comment that previous archaeological investigations in the vicinity of 18-19 Thames Street have demonstrated the survival of medieval deposits and remains of other periods. The potential impacts of this proposed development relate to the reconfiguration of the car park and associated landscaping. This work has the potential to impact on medieval backland deposits, such as domestic rubbish pits and craft working activities, which could significantly enhance our understanding of everyday life in medieval Windsor.</p> <p>The potential below ground impacts of the proposal are not clear at this stage so it is therefore recommended that a condition requiring an archaeological investigation is attached to any planning permission granted, to mitigate the impact of the development. The following condition is proposed:  <i>No development shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the planning authority.</i></p>	See recommended condition 5
Environmental Protection	Recommend a condition for aircraft noise	See condition 3.
Ecologist	No objection	Noted.
Environment Agency	No response received.	Noted.
Tree officer	Has no objection to the amended layout plan for the car parking area subject to conditions, however, does state that the private garden area for unit 6 should be communal, which would help alleviate the pressure from future occupiers to prune this tree.	See section 6.9-6.13

## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed layout

## Appendix C- Elevations and Floor Plans

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPPF.

In this case the issues have been successfully resolved.

### 9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policy
- 3 No development shall take place until details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft noise, together with details of measures to provide ventilation to habitable rooms, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the development is first occupied for residential purposes and retained.  
Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies Local Plan NAP2, H10.
- 4 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.  
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 5 No development shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the planning authority.  
Reason: The site lies in an area of high archaeological potential, particularly in relation to the important medieval settlement of Windsor. A programme of works is required to mitigate the impact of development and to record any surviving remains so as to advance our understanding of their significance in accordance with national and local plan policy.
- 6 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.  
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 7 No development shall take place until full architectural detailed drawings at a scale of not less than 1:20 (elevations, plans and sections) of new windows and doors have been submitted to and approved in writing by the Local Planning Authority. The development(s) shall be carried out

and maintained thereafter in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Royal Borough of Windsor and Maidenhead Local Plan DG1, CA2

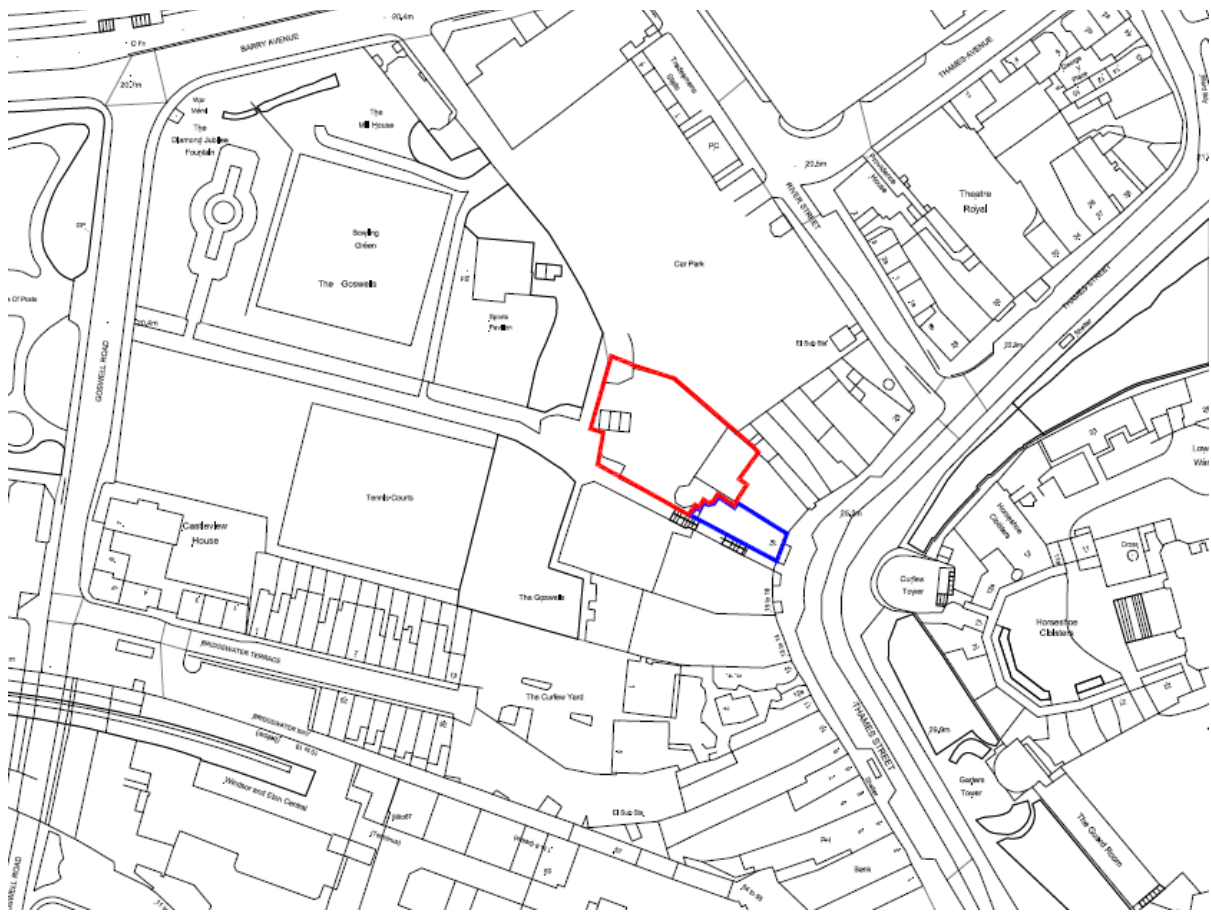
- 8 Notwithstanding the submitted landscaping plan, no development shall take place until full details of both hard and soft landscape works (to include a new replacement tree in lieu of T5 to be planted by the access), have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.  
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 9 Prior to the commencement of development, full details of the foundations arrangements and a method statement for the provision of the foundations for the extension hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.  
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6, CA2
- 10 Full details of the exact proposed location of all underground utilities and services shall be submitted to and approved in writing by the Local Planning Authority before the underground utilities are laid.  
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6, CA2
- 11 Details of the proposed bin enclosure (including elevations), and method as to how this will be secured to the ground shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of this bin store.  
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6, CA2
- 12 Notwithstanding the arboricultural information submitted, prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Arboricultural supervision is required for all works within the RPA of the Oak. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority.  
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 13 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.  
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 14 Condition for approved plan numbers.

**15/03148**

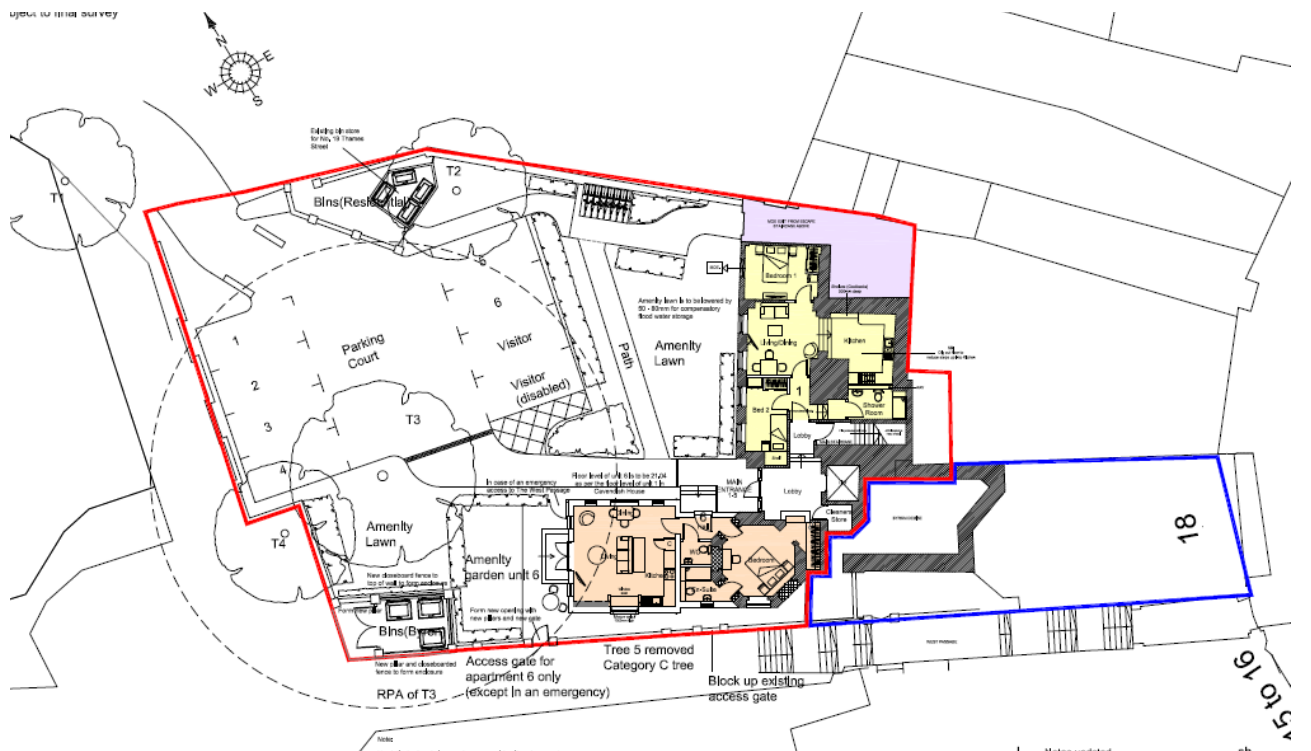
- 1 The works/demolition shall commence not later than three years from the date of this consent.  
Reason: In accordance with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and to avoid unimplemented consents remaining effective after such lapse of time that relevant considerations may have changed.
  
- 2 No works shall commence until details of all pointing to external masonry including at junctions of altered and new joinery and masonry reveals (to be carried out using traditional mortars), are submitted to and approved in writing by the Local Planning Authority.  
Reason: To protect and preserve the character of the listed building. Relevant Policies - Local Plan LB2
  
- 3 No works shall commence until a full schedule of new ironmongery to be fitted to existing joinery (windows, doors, cupboards etc.) is submitted to and approved in writing by the Local Planning Authority.. The schedule shall include method and workmanship for fitting.  
Reason: To protect and preserve the character of the listed building. Relevant Policies - Local Plan LB2
  
- 4 No works shall commence until a method statement for the installation of all new plumbing, heating and electrical work is submitted to and approved in writing by the Local Planning Authority.  
Reason: To protect and preserve the character of the listed building. Relevant Policies - Local Plan LB2



## Appendix A- Site location plan



# Appendix B- Proposed Layout



## Appendix C- Elevations and Floor plans



**Proposed SW elevation**

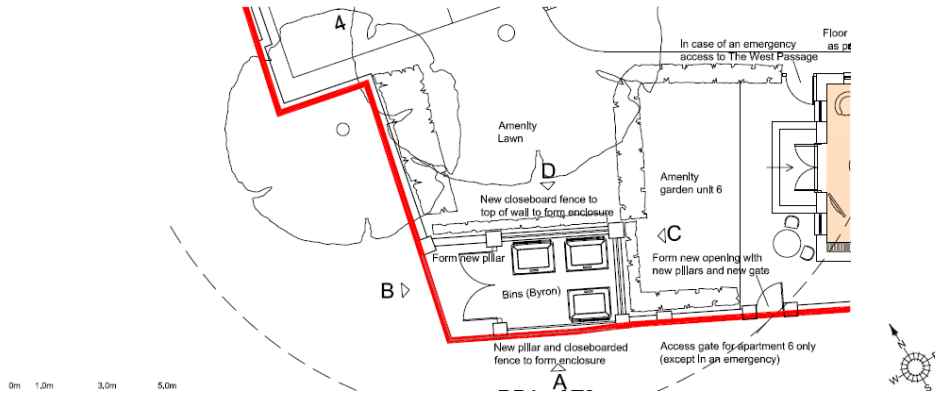
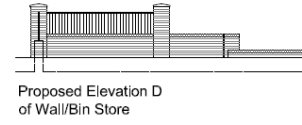
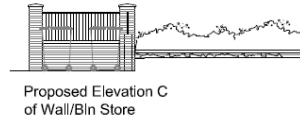
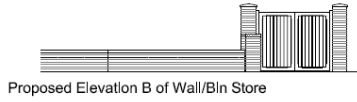
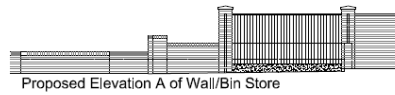
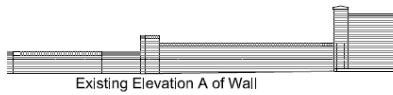


**Proposed North East Elevation**

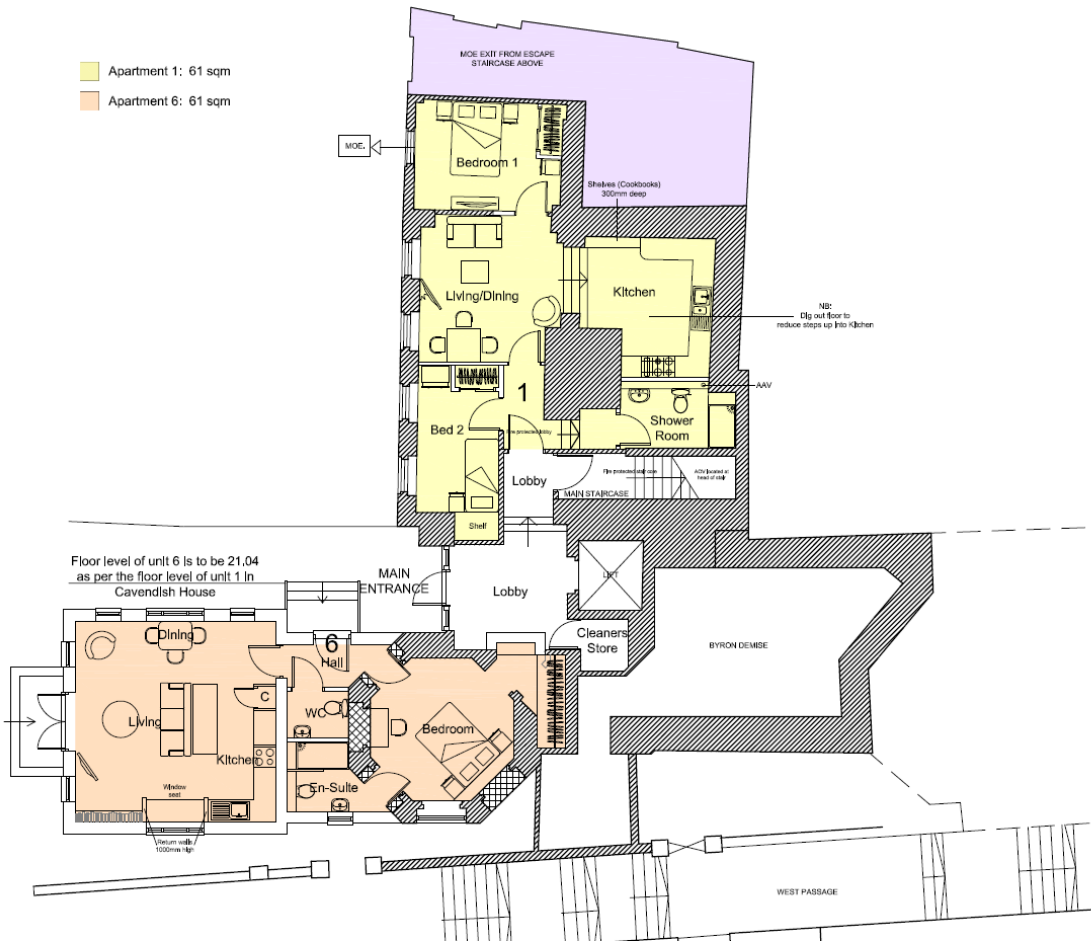


**Proposed rear elevation**

NB: Planning proposals prepared by overlaying existing drawings provided by others reliance on accuracy, levels are subject to final survey

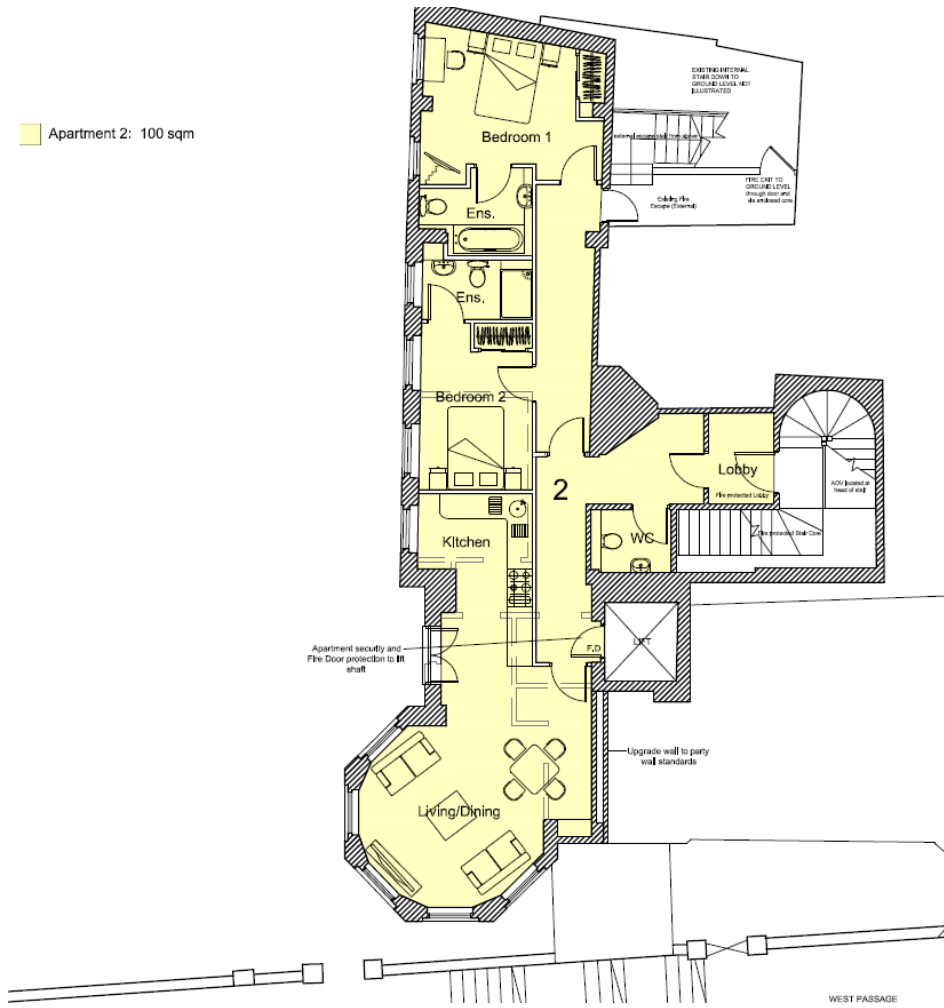


**Proposed bin enclosure**



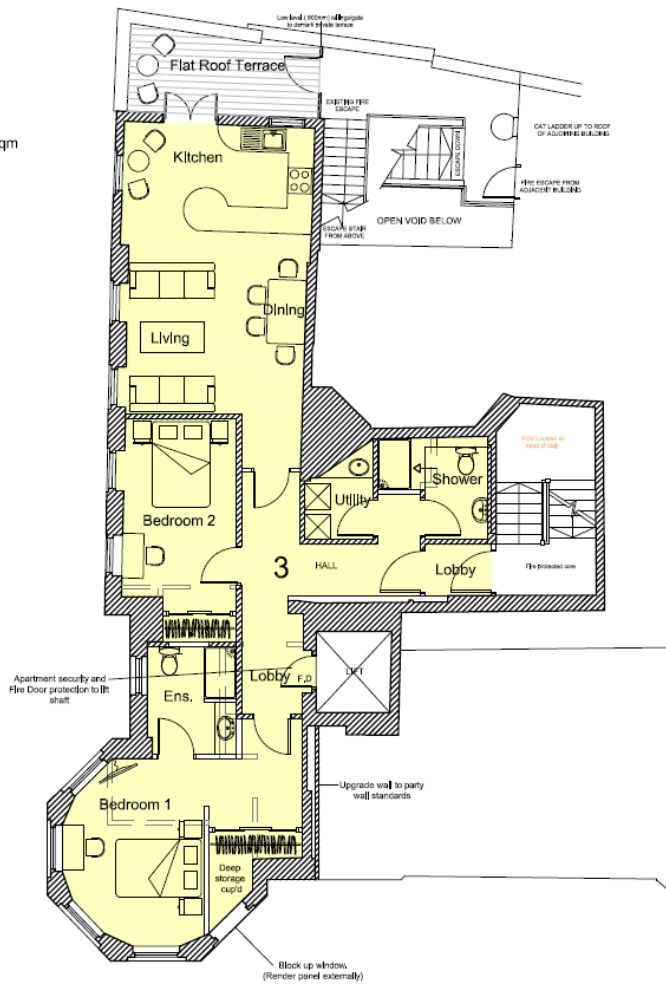
**Proposed ground floor**

Apartment 2: 100 sqm



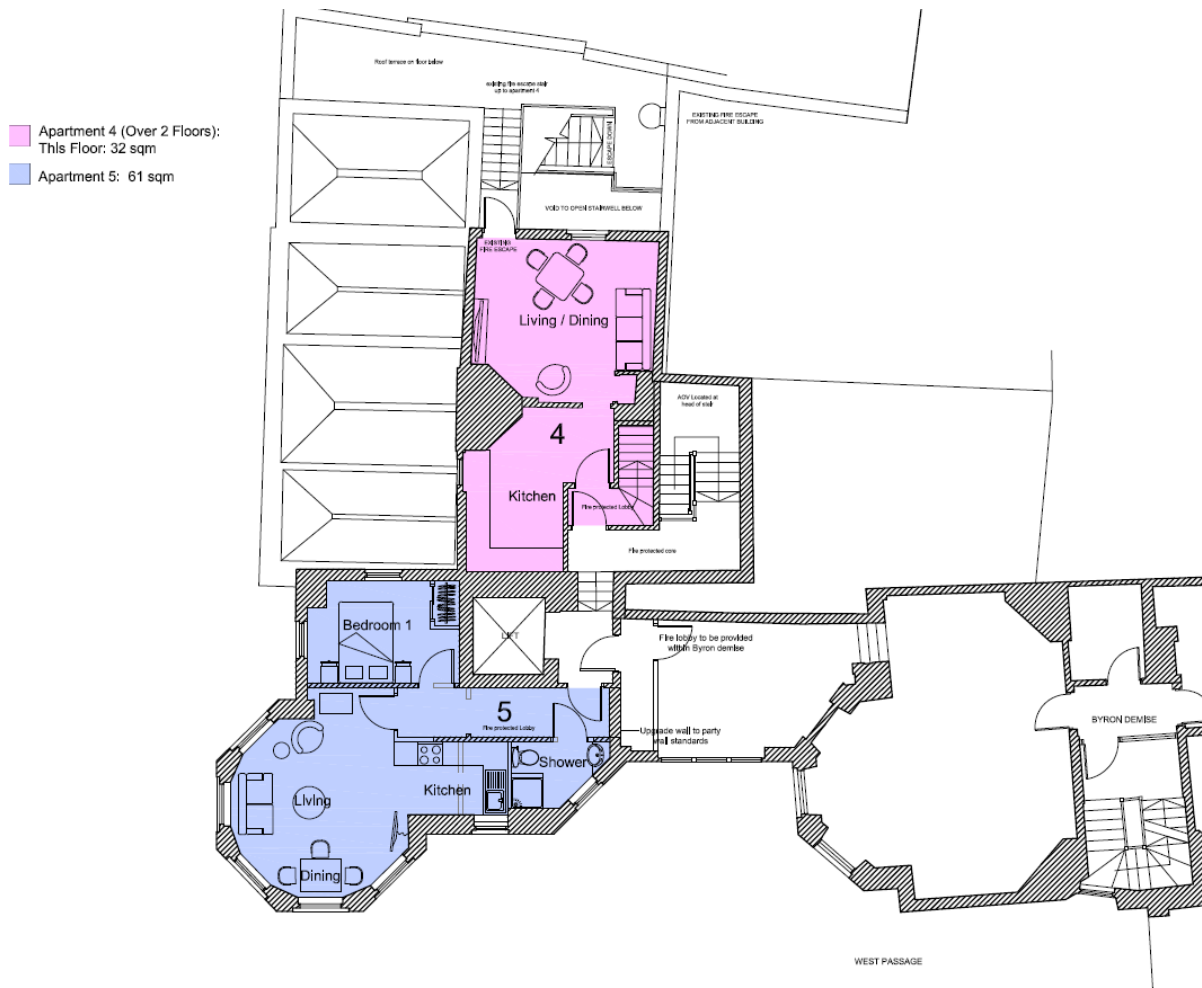
Proposed first floor

partment 3: 96 sqm

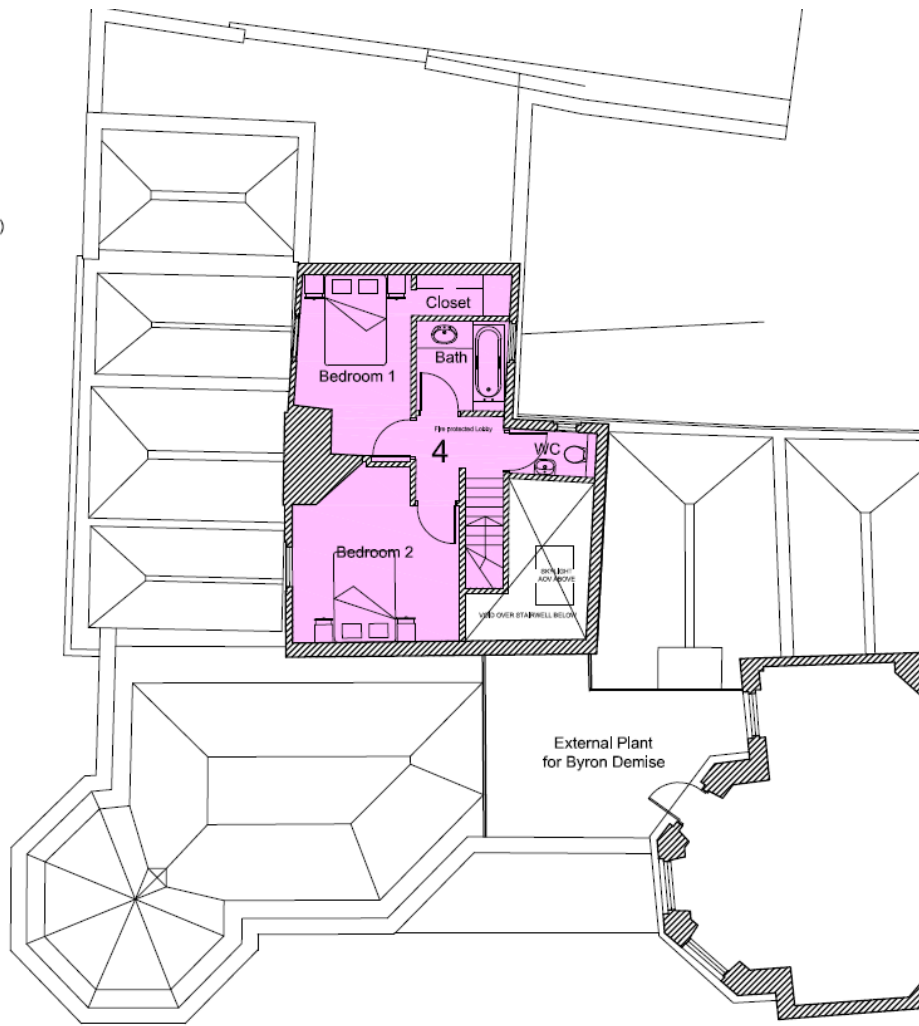


**Proposed second floor**





**Proposed third floor**



**Proposed fourth floor**

## WINDSOR URBAN DEVELOPMENT CONTROL PANEL

3 February 2016

Item: 5

<b>Application No.:</b>	15/03326/FULL
<b>Location:</b>	Tingdene Racecourse Caravan Park Windsor Maidenhead Road Windsor SL4 5HT
<b>Proposal:</b>	Redevelopment of holiday park to provide for the siting of 39 caravan lodges.
<b>Applicant:</b>	Tingdene Parks Limited
<b>Agent:</b>	Mr David Middleton- Savills (UK) Limited
<b>Parish/Ward:</b>	Clewer North Ward

**If you have a question about this report, please contact:** Vivienne McDowell on 01628 796578 or at [vivienne.mcdowell@rbwm.gov.uk](mailto:vivienne.mcdowell@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 The proposed extension to the caravan park amounts to inappropriate development which by definition is harmful to the Green Belt. The applicants have put forward a case of very special circumstances to outweigh any harm through inappropriateness.
- 1.2 The extension of the caravan site by 4-5 metres as proposed and the overall impact of the proposed development on the character and appearance of the Green Belt is considered to be acceptable. The impact on the setting of the River Thames is also considered to be acceptable.
- 1.3 The Environment Agency and Highway Authority has raised no objection.

<b>It is recommended the Panel grants planning permission subject to the conditions listed in Section 10 of this report.</b>
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### 2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Borough Planning Manager delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site lies within the Green Belt. To the north of the site is the marina yacht basin and Windsor Race Course. Immediately to the south is undeveloped land and beyond there are office buildings which front onto Maidenhead Road. To the west of the site runs the Mill Stream. To the east of the site there is the access road to the marina and beyond is Windsor Race Course.
- 3.2 There are approximately 50 caravans on the site which are screened by grassed banks on the north and western sides. The site is screened by trees and vegetation to the south and east.
- 3.3 According to Council's latest flood mapping information, the caravan park is within Flood Zone 2 (1:1000 year probability of flooding) but completely surrounded by Flood Zone 3 (1:100 year probability of flooding).

### 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is to extend the site area of the caravan park (towards the north) and to provide a total of 39 timber caravan lodges. The existing caravan park has approximately 50 holiday caravans. The site has permission for a total of 51 caravans.

Ref.	Description	Decision and Date
518/73 and	Caravan Park	Permission

44/74		
404826	Change conditions (44/74)	Permission May 6 1974
09/01758/VAR	Continued use of Caravan Park for 51 caravans in accordance with planning permission 400131 to vary condition 8 of that permission (subsequently varied by permission 404826) to allow the site to be occupied as a recreational caravan site for 12 months in any year but that no caravan should be used as permanent residential accommodation except the one used by the Site Manager.	Permission 21/10/2009

4.2 Condition 2 09/01758/VAR states:

Except for the caravan occupied by the site manager, the caravans shall be occupied for holiday purposes only. They shall not be occupied as a person's sole, or main place of residence. The owners/operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available upon request to the Local Planning Authority.

Reason: Permanent occupation of the caravans would represent inappropriate development within the Green Belt and increase the numbers of people or properties at risk from flooding. Relevant policies - Local Plan GB1, GB2, GB3, F1.

Condition 3 on 09/01758/VAR states:

Prior to the use of the caravan site on a 12 month basis, a Flood Warning And Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how and at what intervals it will be updated. The plan shall be implemented as approved.

Reason: To ensure that the owners/operators of the caravan site and the owners/occupiers of individual caravans are satisfactorily prepared for a flood event and can escape from the area in safety should such an event occur. Relevant policies - Local Plan F1.

Condition 4 on 09/01758/VAR states:

At no time shall the number of caravans on the site exceed 51. Reason: An increase in the number of caravans would be contrary to Green Belt and flooding policies. Relevant policies - Local Plan GB1, GB2, GB3, F1.

**5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION**

5.1 National Planning Policy Framework, Section 3 (rural economy), Section 7 (good design), Section 9 (green belt), Section 10 (flooding).

**Royal Borough Local Plan**

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

	Area policies	Green Belt	High risk of flooding	Highways /Parking issues
Local Plan	N2,	GB1, GB2,	F1	T5, P4

5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Interpretation of Policy F1 – Area Liable to Flood
- Sustainable Design and Construction
- Planning for an Ageing Population

More information on these documents can be found at:  
[http://www.rbwm.gov.uk/web/pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm)

## **Other Local Strategies or Publications**

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment - view at:  
[http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- RBWM Parking Strategy - view at:  
[http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- RBWM Strategic Flood Risk Assessment - view at:  
[http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- RBWM Visitor Management Strategy - view at:  
[http://rbwm.gov.uk/web/meetings\\_080522\\_agenda\\_cabinet.htm](http://rbwm.gov.uk/web/meetings_080522_agenda_cabinet.htm)

## **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i Impact on the Green Belt and setting of the river Thames
- ii Flooding implications
- iii Highway and parking
- iv Impact on neighbouring properties

### **Green Belt and setting of the river Thames**

- 6.2 The existing caravan park comprises approximately 50 caravans and is enclosed by a bund on the north side (adjacent to the marina basin), which screens the existing caravans from outside of the site. From a distance (looking south) it is only the roofs and top parts of the caravans that can be seen beyond the bank. There is a smaller bund also on the west side of the site. There is good vegetation and tree screening surrounding the caravan park boundaries to the east, west and south.
- 6.3 The existing bund on the north side of the application site therefore provides an effective physical barrier and visual screen to separate the existing caravan park and from the adjacent marina yacht basin immediately to the north. The bund is approximately 2.5m-3.5metres in height and the steeply sloping north facing grass bank (largely devoid of trees and planting) forms the back drop to the marina.
- 6.4 There is a path which runs parallel to the bund to the south of the marina. This is not a public footpath and provides pedestrian access to the marina. It is within the land edged blue (part of Windsor Race Course Marina) under the applicants control. A row of 15 no. new lodges would be sited within approximately 2m-6m of this path.
- 6.5 The proposal is to extend the caravan site by approximately 4-5 metres to the north into the area where there is an existing bund. The proposal would involve ground levelling and re-profiling the slope. The proposal also involves some re-profiling of the existing bund to west of the site adjacent to Mill Stream. It is understood that there would be no raising of ground levels on any part of the application site. The existing caravans would be replaced with wooden lodges. The Design and Access statement advises that the exterior of the lodges would be timber and the pitched roofs would be finished with dark felt. In total there would be 39 new timber lodges. Although the site area of the caravan park would increase slightly, the number of units would decrease by 11 (from 50 existing caravans to 39). The applicants advise that the caravan lodges would be set on concrete slabs with the underside of the caravan/lodge being approximately

750m above ground level. The lodges would measure approximately 6m (width) x 12m (length) x 3.4m in height to the ridge. The ridge heights being approximately 4.3m above ground level.

- 6.6 The site is located within the Green Belt where most development is considered to be inappropriate. Local Plan policy GB1 sets out when development within the Green Belt can be considered acceptable. Policy GB2 follows on from GB1 and sets out when development in the Green Belt would not be acceptable
- 6.7 The Local Planning Authority needs to consider whether the proposed development is appropriate development in the Green Belt and whether the change of use of the land to provide the extension to the site area (by approximately 4-5 metres to the north) of the caravan park to provide pitches for mobile homes would represent inappropriate development in the Green Belt.
- 6.8 Paragraph 89 of the National Planning Policy advises that certain forms of development (such as engineering operations) are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. It is noted that the change of use of land within the Green Belt is not listed as one of the exceptions in paragraph 89 of the NPPF. This is therefore 'inappropriate' development. In order to justify approval of the extension to the holiday caravan park, the applicants would need to put forward a case of 'very special circumstances' to outweigh the harm to the Green Belt through inappropriateness, and any other harm.

The applicants case

- 6.9 The applicants have put forward a case of Very Special Circumstances. The applicants advise that Windsor Race Course Marina is an existing tourism facility. The existing caravan park is dated and needs improving. The proposal is to upgrade and improve the quality of the holiday accommodation on offer which will attract holiday makers to the local area. The upgraded facilities would encourage repeat visits to Windsor Racecourse Holiday Marina. They advise that this would amount to a modest 8% increase in footprint of the caravan site.
- 6.10 The applicants comment that the bund around the site was not required to screen the development, but was formed from excavated spoil when the marina yacht basin was originally constructed. The applicants suggest that although not used to site caravans on, the bund is part of the existing caravan park and that the whole site should be regarded as a previously developed site (brownfield land) in the Green Belt.
- 6.11 The applicants state that the application gives the Local Planning Authority the opportunity to control the appearance of the new caravan/lodges – there is no such control on the existing permissions. The proposed design of the lodges and the materials/colours (timber and dark felt roofs), would be sensitive to the character and appearance of the area. The lodges nearest the marina would be sited end on to minimise their impact on the setting of the river Thames and the Green Belt.
- 6.12 The applicants advise that the loss of 11 caravans is a quality versus quantity scenario. The proposal would provide dedicated parking for each caravan/lodge. The existing caravan park is pedestrian access only with no parking within the site area.
- 6.13 In support of their case, the applicants have cited an appeal decision (Abbey Farm caravan Park, Dark Lane, Lathom, Ormskirk, Lancashire) dated February 2013, which was for the siting of 14 additional timber-clad holiday caravans (lodges), in the Green Belt. In that case the area where the 14 additional lodges were to be sited was not within the area enjoying planning permission for the siting caravans. As such the Inspector concluded the change of use of the land should be considered to be 'inappropriate' development in the Green Belt.
- 6.14 In line with the NPPF, the appeal inspector acknowledged the importance of supporting the expansion of tourist facilities in appropriate locations. Secondly, the Inspector acknowledged that an extension to an existing caravan park should be much more economically sustainable than creating a new one.

6.15 The Inspector concluded that the development would decrease the openness of the Green Belt simply because there would be static caravans/lodges where previously there was open land. However, the inspector considered that there was limited harm which was outweighed by very special circumstances which were, the support for a prosperous rural economy by the NPPF, the support for tourism by the Council, the apparent or likely demand for static caravan provision and the fact that almost any other location would be in the Green Belt, and thus similarly constrained, are all considerations weighing in favour of the proposal. The Inspector also commented that it was a modest extension to a well-established existing facility in the Green Belt. Taken together the Inspector concluded that these amounted to a case of Very Special Circumstances.

6.16 It is considered that there is a case of very special circumstances (VSC) in the case of the modest extension of Tingdene Racecourse Caravan Park which would outweigh any limited harm through inappropriateness. In summary the VSC case is as follows:

- 1 The land to the north of the application site across the race course is low lying. However, any views to the application site from the Thames Path on the north side of the river in the vicinity of Boveney Lock, would be at a considerable distance – over 350 metres
- 2 The wooden lodges although taller than the existing caravans would be more sympathetic in the landscape than the existing caravans and the application gives the LPA the opportunity to control their appearance.
- 3 The removal of the bund would result in an increase in openness on this part of the site.
- 4 The upgrading and improvement of the holiday accommodation would encourage holidaymakers to the area.

### **Setting of the Thames**

6.17 In terms of the impact on the setting of the River Thames Local Plan Policy N2 advises that the Council will not permit proposals which would adversely affect the character and Setting of the River Thames. The site lies to the south of the boundary defining the extent of this designation, as defined in the Local Plan. It is considered that the proposal is acceptable in terms of Policy N2.

6.18 Given the limited information submitted with the application and to ensure that the development is acceptable in all respects the following conditions are required:

-Details of the lodges (dimensions and appearance) and details of existing and proposed levels throughout the site and further details of the of the proposed lodges. (See condition 2 in Section 10).

-To ensure that the lodges are not used for permanent occupation the condition imposed on 09/017858 to be repeated on this application. (See condition 3 in section 10).

-To ensure no more than 39 caravan/lodges are provided. (See condition 4 in section 10).

6.19 In view of the above no objections are raised to the impact of the development upon the Green Belt or the Setting of The Thames.

### **Flooding considerations**

6.20 The Environment Agency (EA) has provided comments on this application and has not raised an objection subject to conditions and informative.

6.21 The site of the proposed development is located within Flood Zone 2 defined by the National Planning Policy Framework (NPPF) and the associated National Planning Policy Guidance (NPPG) as having a 'medium probability' of flooding from rivers. The site is also surrounded by Flood Zone 3 defined by the NPPF and associated NPPG as having a 'high probability' of flooding from rivers. The applicant is proposing to replace the existing 50 static holiday caravans with 39 caravan lodges. Therefore, the proposed development represents a reduction in footprint.

- 6.22 The EA advises that planning permission could be granted to the proposed development if the following planning conditions relating to the layout and a buffer zone are included. Without these conditions the proposed development poses an unacceptable risk to people and the environment and the EA would object to the application. (See conditions 6 and 7 in Section 10).
- 6.23 It is noted that under the terms of the Water Resources Act 1991, and the Thames Region Land Drainage Byelaws, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Thames, designated a 'main river'. (This can be included as an informative – see section 10).
- 6.24 National Planning Policy Framework (NPPF), paragraph 109 states that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around development should be encouraged. This is also in line with the EA's requirement of a minimum buffer zone of 8 metres near a watercourse for both biodiversity reasons and in order to gain access for maintenance purposes.
- 6.25 The EA also advises that it is recommended that the finished floor levels of the caravan lodges are raised 600mm above the 1% Annual Exceedance Probability (AEP) plus 20% allowance for climate change flood level. (This can be included as an informative – see section 10).
- 6.26 The Flood Risk Assessment (FRA) dated September 2015 and prepared by Herrington Limited Consulting submitted with this planning application confirms that a route of safe access and egress with a 'very low' hazard rating in accordance with FD2320/TR2 and the NPPG from the development to an area wholly outside of the 1% AEP plus 20% allowance for climate change flood extent is not available.
- 6.27 However, as the proposal is to reduce the numbers of the existing non permanent caravans, it is considered that the lack of a safe access with a very low hazard rating, could not form a reason for refusal on this current application. It is noted that a Flood Evacuation Plan was required by condition on Planning Application 09/01758/VAR. The applicants have submitted a flood evacuation plan as part of this application. (See condition 5 in Section 10)

### **Highway and Parking considerations**

- 6.28 Access is derived off a long private road (6.1m wide with 2 x 2.0m plus grassed verges) which connects to the main A308 Maidenhead Road just to the east of the Windsor Last Harvester Restaurant. The private access road currently serves the caravan park, adjoining marina as well as providing a secondary means of access for horseboxes to the nearby Windsor Racecourse on race days. Visibility from the private access road junction with the main A308 Maidenhead Road is unrestricted.
- 6.29 Each caravan lodge is to be provided with two parking bays per unit, which is considered sufficient to serve the proposed level of redevelopment. Any additional demand for parking is likely to occur within the holiday park itself without adversely affecting access to other uses such as the marina and racecourse.
- 6.30 With the reduction in the number of holiday units on the site from 50 static holiday caravans to 39 luxury holiday lodges, the proposed redevelopment is unlikely to result in any additional daily vehicle movements.
- 6.31 The Highway Officers have suggested conditions to ensure that parking space is as per the approved drawings. (See condition 8 – section 10).



6.32 Whilst it is understood that the internal roads and parking areas are to be privately constructed and maintained, the planning case officer has sought further engineering advice regarding the change in levels, so as to ensure that conditions on-site would be acceptable in access terms. For this site, the gradient of the internal access roads should not exceed 1:12 and for individual driveways the gradient should not exceed 1:10. No additional plans appear to have been submitted by way of longitudinal and cross-sections for the proposed development. The cross-section shown on Drwg. No. W1945 SK01 Rev A is only indicative and the topographical survey as one would expect, is of the existing conditions comprising contours and levels and the current park layout .

6.33 In order to ensure that adequate access is provided throughout the site, it is considered that it would be appropriate for a suitably worded condition to be imposed on any planning consent that may be granted to ensure that gradients of the private internal access roads shall not exceed 1:12 and the private individual driveways shall not exceed 1:10. (See condition 9 in section 10)

**Impact on neighbouring properties**

6.34 There are no neighbouring residential properties in close proximity to the caravan park and as there would be reduction in the total number of units, it is concluded that there would be no direct adverse impact on neighbouring properties.

**6.35 Other considerations**

The application proposes new landscaping but the submitted details are very limited. Further details can be secured by condition. (See condition 10 – section 10).

6.36 Whilst the development is inappropriate development in the Green the proposed very special circumstances, particularly that views to the site would be at a considerable distance, the wooden lodges would be more sympathetic in the landscape than the existing caravans, the application gives the Local Planning Authority control over their appearance, the removal of the bund increases openness in this part of the site and the upgrading and improvement of holiday accommodation would encourage holiday makers to the area, is considered overcome the in principle harm to the proposed development in the Green Belt and no other harm has been identified. As such the proposal is considered to comply with paragraph 89 of the NPPF.

**7. CONSULTATIONS CARRIED OUT**

**Comments from interested parties**

5 occupiers were notified directly of the application.  
The planning officer posted a yellow site notice near the entrance onto the Maidenhead Road on 27 October 2015.

No letters were received objecting or supporting the application, summarised as:

**Statutory consultees**

Consultee	Comment	Where in the report this is considered
Environment Agency	No objection – suggested conditions	
Highways	No objection – suggested conditions	

**8. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan
- Appendix B – layout and elevations

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPPF.

In this case the issues have been successfully resolved.

## 9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Prior to the commencement of development, full details of the design and appearance of the caravan lodges and full details of the existing and proposed levels (including cross sections and long sections) throughout the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved plans and details and retained as approved.  
Reason: In the interests of the character and appearance of the Green Belt and to ensure that there is no adverse impact in the flood plain. Relevant Policies - GB2, F1.
- 3 Except for the caravan/lodge occupied by the site manager, the caravans shall be occupied for holiday purposes only. They shall not be occupied as a person's sole, or main place of residence. The owners/operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available upon request to the Local Planning Authority. Reason: Permanent occupation of the caravans would represent inappropriate development within the Green Belt and increase the numbers of people or properties at risk from flooding. Relevant policies - Local Plan GB1, GB2, GB3, F1.
- 4 At no time shall the number of caravan lodges on the site exceed 39.  
Reason : To ensure that there is no unacceptable increase in the scale and intensity of development on the site. In the interests of the openness and character of the Green Belt . Relevant policies - Local Plan GB1, GB2.
- 5 The Flood Evacuation Plan (prepared by Herrington Consulting Ltd) dated September 2015 submitted with this application shall be implemented as approved. Reason: To ensure that the owners/operators of the caravan site and the owners/occupiers of individual caravans are satisfactorily prepared for a flood event and can escape from the area in safety should such an event occur. Relevant policies - Local Plan F1.
- 6 The layout of the development shall be set out in accordance with Drawing number SK01 Revision A dated July 2015 and prepared by Andrew Davis Partnership. Any change to the layout should be at the express written consent of the Local Planning Authority.  
Reason: To ensure the layout of the development does not increase flood risk in accordance with paragraph 103 of the NPPF and saved policy F1 of the Royal Borough of Windsor and Maidenhead (RBWM) Local Plan (Incorporating alterations adopted 2003).
- 7 The development permitted by this planning permission shall include the provision and management of a minimum of 8 metres buffer zone from the top of the banks of the River Thames, designated as 'main river'. The buffer zone shall be free from built development including lighting, domestic gardens and formal landscaping both during construction time and for the lifetime of the development; this may form a vital part of green infrastructure provision.  
Reason: Development that encroaches on the River Thames has the potential to impact on this ecological value and the provision and management of a minimum buffer zone of 8 metres alongside it would provide an opportunity to enhance the river biodiversity, in line with

paragraphs 109 and 118 of the National Planning Policy Framework (NPPF). See condition 5 in section 10.

- 8 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.  
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 9 The gradient of the internal access roads should not exceed 1:12 and for individual driveways the gradient should not exceed 1:10.  
Reason: To ensure that the development can provide adequate access to the parking spaces. Relevant Policy - Local Plan DG1.
- 10 Prior to the commencement of development full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.  
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1. This details is required prior to commencement as it needs to be considered as part of the design and layout of the development.
- 11 No development shall commence until details of all finished ground levels in relation to the existing ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.

### **Informatives**

- 1 The EA also advises that it is recommended that the finished floor levels of the caravan lodges are raised 600mm above the 1% Annual Exceedance Probability (AEP) plus 20% allowance for climate change flood level.
- 2 The Environment Agency advises that it is recommended that the finished floor levels of the caravan lodges are raised 600mm above the 1% Annual Exceedance Probability (AEP) plus 20% allowance for climate change flood level.
- 3 It is noted that under the terms of the Water Resources Act 1991, and the Thames Region Land Drainage Byelaws, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Thames, designated a 'main river'.



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**WINDSOR RACECOURSE PARK HOMES, MAIDENHEAD ROAD,  
WINDSOR, BERKSHIRE, SL4 5HT**



APPENDIX B – 15/03326/FULL



PRECEDENT IMAGES

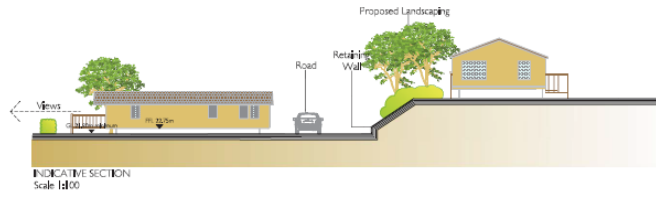


**LEGEND**

- Site Boundary
- Existing Trees
- Proposed Trees
- Proposed Structure Planting
- Proposed Hedge
- Retaining Wall

NORTH

Scale: 1:1000



*Thought to conceive  
opportunities to realize...*

**Sketch Design**

**WINDSOR RACECOURSE**  
INDICATIVE LAYOUT

Scale: 1:1000

**Landscape Architects**  
A Environmental Consultants

**Windsor Racecourse**  
Indicative Layout

Site: IS00 @A1  
Drawn By: RF  
Date: July 2015  
Checked:

Project Number: W1945  
Drawing Number: SK01

Author: [Name]  
Date: [Date]

This drawing is the property of [Company Name] and is not to be used for any other project without the written consent of [Company Name].

## WINDSOR URBAN DEVELOPMENT CONTROL PANEL

3 February 2016

Item: 6

<b>Application No.:</b>	15/03438/VAR
<b>Location:</b>	Land To Rear of 250 To 284 Horton Road Datchet Slough
<b>Proposal:</b>	Storage, repair and recycling of pallets (retrospective) as approved under planning permission 12/00830 without complying with condition 2 (storage and repair of pallets) to increase storage height to 4m.
<b>Applicant:</b>	Mr Loveridge
<b>Agent:</b>	Fiona Jones - Cameron Jones Planning
<b>Parish/Ward:</b>	Datchet Parish

**If you have a question about this report, please contact:** Victoria Goldberg on 01628 683551 or at victoria.goldberg@rbwm.gov.uk

### 1. SUMMARY

- 1.1 This application proposes a variation of condition two of planning application 12/00830 to allow the height of pallets stored on site to increase from two to four metres. The proposal represents inappropriate development in the Green Belt and the case for Very Special Circumstances does not clearly outweigh the harm to the Green Belt identified.
- 1.2 The development results in a greater impact on openness and will harm the character of the locality by materially intensifying the scale of activity and development on site contrary to adopted Policy GB2.
- 1.3 The application was deferred at the last panel meeting so that members could attend the site. The subsequent visit took place on the 20<sup>th</sup> January 2016.

**It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):**

1.	<b>The proposal represents inappropriate development in the Green Belt and the Very Special Circumstances detailed do not clearly outweigh the harm to the Green Belt identified.</b>
2	<b>The proposal would have a greater impact on the openness of the Green Belt and would harm the character of the countryside due to a material intensification in the level of activity on site and a material increase in the scale of the development contrary to saved Local Plan Policies GB2 and DG1.</b>

### 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Muir, in light of public and parish council interest.

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is positioned within the Green Belt to the south west of houses on Horton Road (nos. 250-284). It is primarily accessed via Mill Place rather than the access between 254 and 256 Horton Road. The boundary treatment consists of a palisade fence that measures approximately 2.3m in height.
- 3.2 The application refers to the area of gravel hard standing for timber pallet storage approved in planning application 12/00830. The area permitted for storing pallets is detailed in drawing no 1001 of application 12/03056. This area borders the open land known as Datchet Common on its northern and western boundaries.
- 3.3 The site is used for the storage, repair and recycling of pallets and is located within Flood Zone 3.

#### 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
12/00380/FULL	Storage, repair and recycling of pallets (retrospective)	Approved 22/06/2012  This application imposed a condition requiring the submission of a plan to detail the area to be used for the storage and repair of pallets.  Additionally a condition was imposed restricting the height of pallets to 2m when measured from ground level.
12/03056/CON DIT	Details required by conditions 1 (area for use of repair and storage of pallets, vehicle parking and method statement), 3 (landscaping scheme), 4 (noise assessment) of planning permission 12/00830 Storage, repair and recycling of pallets (retrospective).	Approved 18/12/2012

- 4.1 This application has been submitted to vary the wording of condition 2 imposed on application 12/00830 which currently states the following:

*'Pallets shall only be stored and repaired in the area approved under condition 1 and shall only be stored so that they do not exceed a height of 2m when measured from the ground level approved under part (iii) of condition 1'.*

The suggested new wording of the condition is detailed below:

*'Pallets shall only be stored and repaired in the area approved under condition 1 of permission reference 12/00830 and shall only be stored so that they do not exceed a height of 4m when measured from the ground level approved under part (iii) of condition 1 of permission reference 12/00830'.*

As such the application proposes to double the height at which pallets can be stacked and stored on site.

- 4.2 A planning enforcement case is also pending consideration concerning a breach of condition 2 of planning application 12/00830. A breach of condition notice was issued on the 24th July 2015.

#### 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework, Section 9.

##### **Royal Borough Local Plan**

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

	Within settlement area	Green Belt	High risk of flooding
Local Plan	DG1	GB1 & GB2	F1

b. Supplementary planning documents adopted by the Council relevant to the proposal are:

- Interpretation of Policy F1 – Area Liable to Flood

More information on these documents can be found at:

[http://www.rbwm.gov.uk/web/pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm)

### Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment - view at: [http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- RBWM Strategic Flood Risk Assessment - view at: [http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- Whether the development is appropriate in the Green Belt, and if not whether there are any very special circumstances that clearly outweigh the harm caused to the Green Belt by reason of its inappropriateness and any other harm caused by the development;
- The impact on the openness and countryside character of this part of the Green Belt;
- the impact on the flood plain; and
- Residential amenity.

### **Whether the development is appropriate in the Green Belt, and if not whether there are any very special circumstances that clearly outweigh the harm caused to the Green Belt by reason of its inappropriateness and any other harm caused by the development**

6.2 The National Planning Policy Framework (NPPF) details forms of development that are considered appropriate in the Green Belt. The proposal does not fall within any of these categories and such the increased height of the pallets must be considered as inappropriate development. As set out at paragraph 87 of the framework inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy GB1 of the Local Plan similarly sets out appropriate development (none of which apply to the application) and advises that inappropriate development can only be approved if Very Special Circumstances (VSC) exist for doing so.

6.3 Policy GB2 of the Local Plan follows on from GB1 and stipulates that permission will not be granted for development within the Green Belt if it would have a greater impact on the openness of the Green Belt than the existing development, or if it harms the character of the countryside when assessed against six different factors. Factors 2, 3 and 5 are considered relevant to this application namely- harm to the character arising from a material intensification in the level of activity on site, a material increase in the scale of the development and harm to residential amenities in the locality.



- 6.4 The application proposes to double the permitted height of pallets being stacked. As each pallet measures approximately 14.5cm in height this equates to an increase from 14 stacked pallets up to 28. When stacked at a height of 4m the pallets will tower above the palisade fence and the adjacent land uses. Undoubtedly this doubling in height will have a greater impact on openness and will harm the character of the locality by materially intensifying the scale of activity and development on site contrary to adopted Policy GB2.
- 6.5 In terms of justifying the need to vary the condition the applicant stipulates that when the pallets are positioned on the lorry, they are stacked at a height of 3.8m. As such the variation is sought as the yard operator has the difficult and time consuming task of ensuring the pallets are removed from the lorry and stacked at a lower height of 2m. With reference to this point the Health and Safety Executive have produced a guidance note (PM15) on pallet safety that details a general guide for the height of a load to be safely transported. This document advises that the height of the load should not exceed the longest base dimension of the pallet and that shrink or stretch wrapping of the load usually provides greater security, minimising the possibility of movement. As such in light of this guidance pallets stacked at a height of 3.8m on the lorry should be lifted in manageable sections and therefore there is no reason why the height limit imposed on the extant condition should be altered. Additionally there is sufficient floor space in the yard area (600m<sup>2</sup>) to comply with the current condition.
- 6.6 With reference to very special circumstances the applicant refers to the following.
- 1 The lack of change to the use of the site
  - 2 Improving openness once the trees and other plants have matured
  - 3 No change to the impact of flooding
  - 4 Benefit to the local economy from retained employment and growth of a local business
  - 5 Environmental benefit from the restoration and recycling of pallets
  - 6 The lack of harm outweighs the harm caused by way of inappropriateness.

The above points do not amount to VSC that clearly outweigh the harm to the Green Belt. The applicant has not demonstrated that it is impossible to operate the business by complying with the extant condition and therefore there is no benefit to the local economy or environment arising from the submitted proposal. The Council does not dispute that there is no change in the overall use of the site or the impact of flooding but this does not mean that harm does not arise from the additional height proposed. Furthermore the screening that has been planted fails to screen the pallets at a height of 2m and it would take considerable time for any screening to reach maturity and be effective.

#### **The impact on the openness and countryside character of this part of the Green Belt**

- 6.7 The photo on the following page shows the highest stack with a height of 20 pallets and the stacks adjacent to the palisade fence being approximately 16 pallets high. The proposed wording will allow pallets to be stacked 28 pallets high. This will negatively affect the character of the adjacent area that has a prevailing character of low lying land uses.
- 6.8 While it is accepted that the site is located within an area of the Green Belt that has been developed, the scale of development proposed is not comparable with adjacent land uses i.e the undeveloped open common land. Additionally it is considered that by increasing the height of the pallets stacked the site will appear untidier thereby harming the character of the area (especially if the stacks become increasingly unstable the higher they are stacked).



### **The impact on the flood plain**

- 6.9 The proposal does not increase flood risk at the site as it does not worsen the existing condition by impeding the flow of flood water, reducing the capacity of the flood plain or increasing the number of people of properties at risk.

### **Residential amenity**

- 6.10 The increased height of the pallets will be visible from the properties on Mill Place and in particular Mill House which is the closest residential property. However this property is still 40m away from the area in which the pallets are stored. The properties on Horton Road are positioned even further away (approximately 80m) and therefore the impact on these properties would be minimal.

## **7. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

33 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on the 6<sup>th</sup> November 2015.

Five letters were received objecting to the application, summarised as:

	Comment	Where in the report this is considered
1.	Intensification of use within Green Belt	6.4
	Inappropriate development	6.2
	The application was only previously approved by imposing conditions	4

	<p>to protect the residential amenities of neighbouring occupiers.</p> <p>The pallets exceed the height of fencing that helps screen the pallet stacks and landscaping would never screen 4m high stacks.</p> <p>Photos taken historically demonstrate how high and imposing 4m high stacks of pallets can be.</p> <p>The significant harm to openness will not be offset by a minimal increase in and retention of employment growth of a local business.</p>	<p>6.4-6.6</p> <p>The historic photos submitted do not refer to the approved area for pallet storage.</p> <p>6.6</p>
2.	<p>In appeal decision APP/T0355/C/11/ 2150551 relating to a variety of industrial and storage uses on the land immediately adjacent to the application site, the inspector imposed a condition restricting the height of all materials stacked or deposited on the site to 2m.</p> <p>The pallets have a scruffier appearance when stacked higher.</p>	<p>Noted.</p> <p>6.8</p>
3.	<p>Increased height of pallets will result in a fire hazard.</p>	<p>Not a planning consideration.</p>
4.	<p>The area to be used for storage has moved location from the original plan submitted with 12/00830.</p> <p>A larger concrete area has been added</p>	<p>The area permitted for storing pallets is detailed in drawing no 1001 of application 12/03056. The application details the correct area see drawing 1001.</p> <p>The concrete area does not form part of this application and is therefore not considered.</p>
5.	<p>The increase in height increases the risk of pallets toppling.</p>	<p>6.8</p>

#### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Parish	No objection	N/A

## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Plan detailing the area used to store pallets as approved in 12/03056.

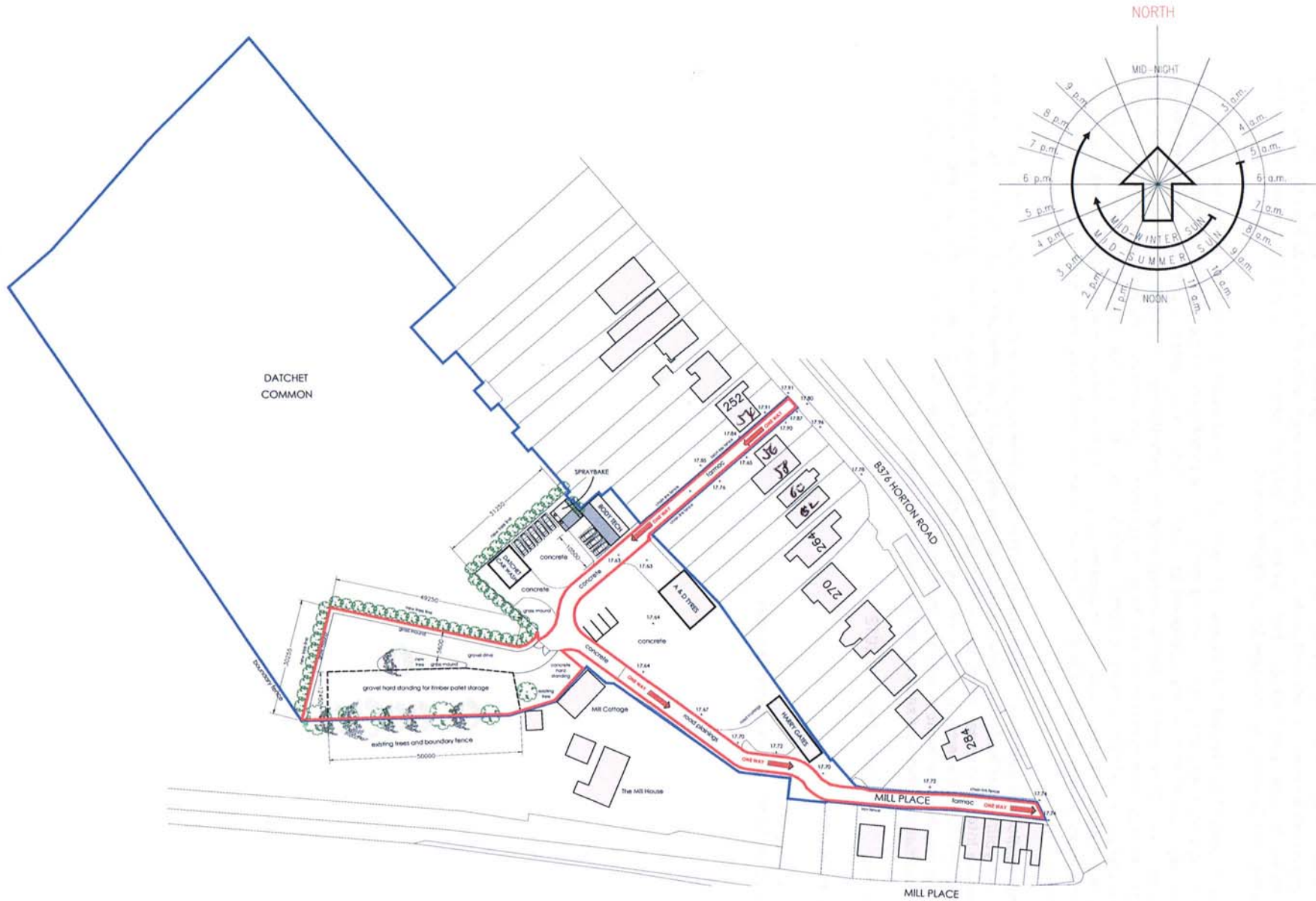
This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

In this case the issues have not been successfully resolved.

## 9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

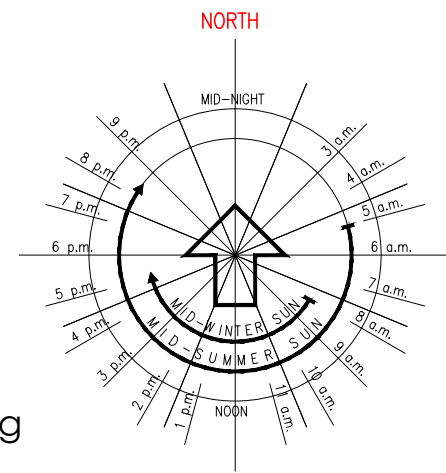
- 1 The proposal represents inappropriate development in the Green Belt and the Very Special Circumstances detailed do not clearly outweigh the harm to the Green Belt identified. The development is therefore contrary to Local Plan Policy GB1 of the adopted Local Plan.
- 2 The proposal would have a greater impact on the openness of the Green Belt and would harm the character of the countryside due to a material intensification in the level of activity on site and a material increase in the scale of the development contrary to saved Local Plan Policies GB2 and DG1.

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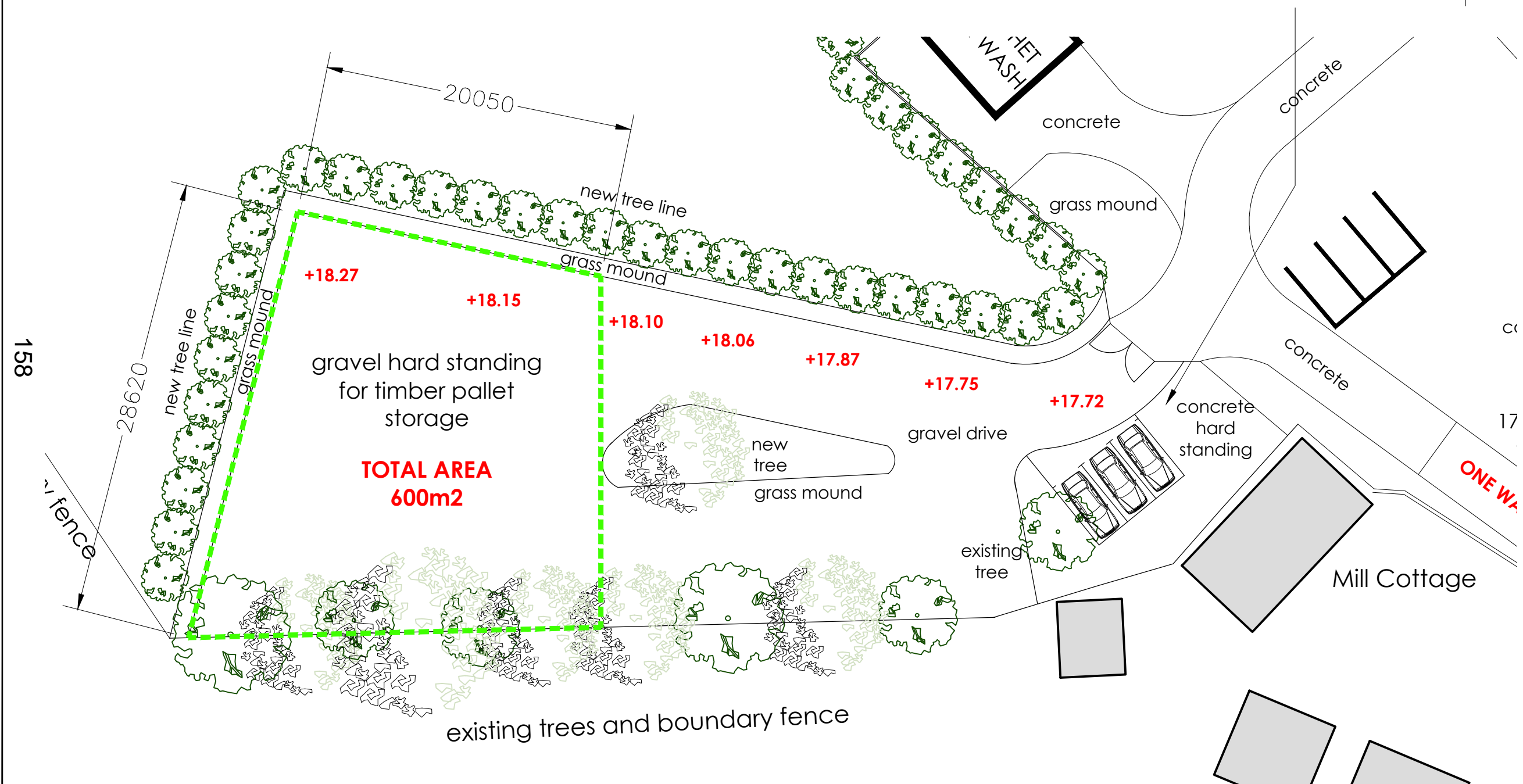


site plan  
scale 1:500 @ A1

client	Mr D Loveridge & Mr T Giles 11 Mill Place Datchet Slough Berkshire SL3 9JD		
project	SITE PLAN Land rear of 250 to 284 Horton Road, Datchet, SL3 9HN		
drawing title	PALLET STORAGE storage, repair and recycling (retrospective)		
drawn by	date	checked by	
jch	Sep' 2011	jch	
file no.	drawing no.	revision	
0912	A03-02	0	



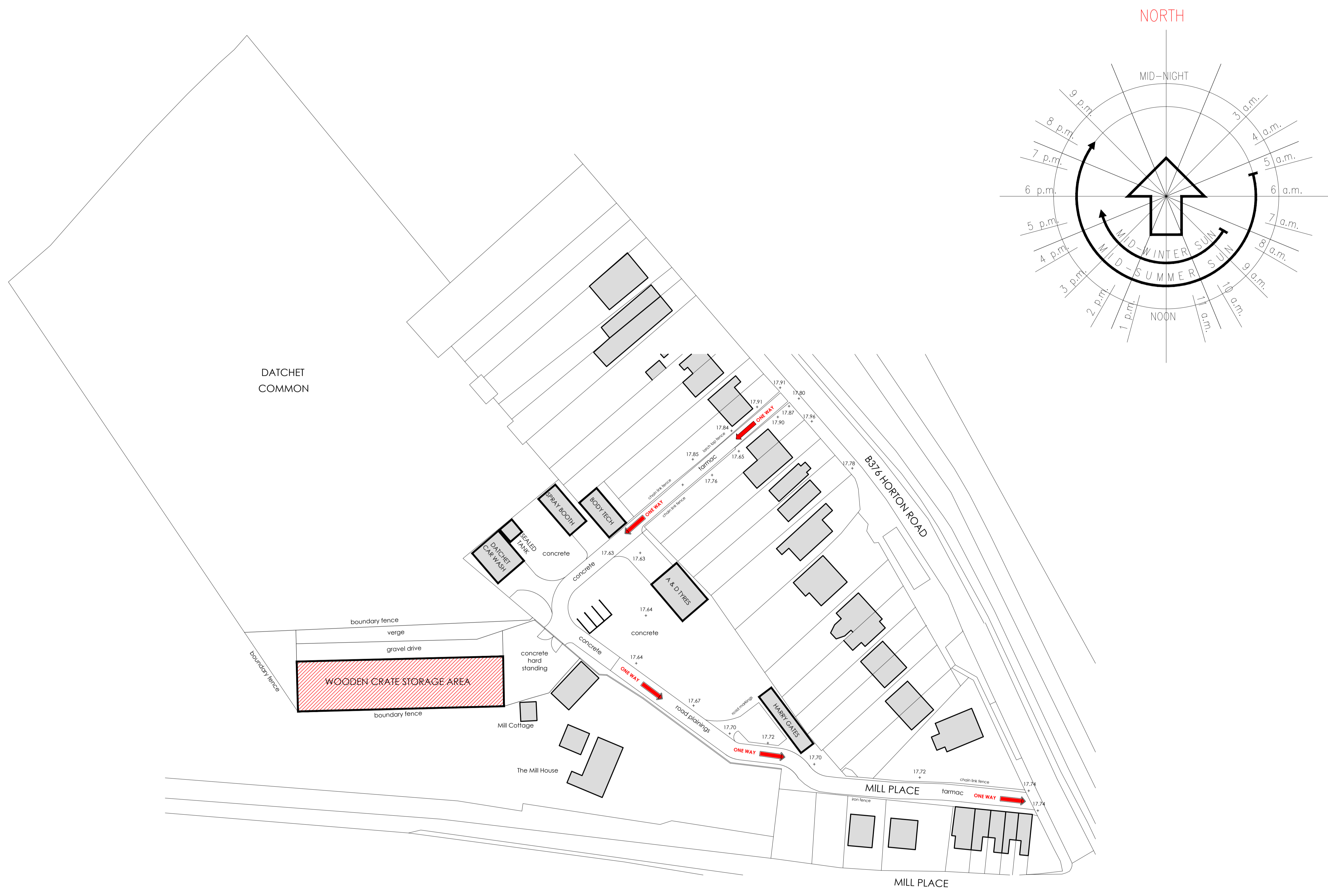
NOTE:  
additional car parking



**TOTAL AREA**  
**600m<sup>2</sup>**

proposed ground levels  
scale 1:200 @ A1

date	description	dm	chk
client			
Mr D Loveridge & Mr T Giles 11 Mill Place Datchet Slough Berkshire SL3 9JD			
project			
SITE PLAN Land rear of 250 to 284 Horton Road, Datchet, SL3 9HN			
drawing title			
PALLET STORAGE proposed ground levels			
drawn by	date	checked	
jch	Sept 2011	jch	
job no.	drawing no.	revision	
0911	1001	-	



site location plan  
scale 1:500 @ A1

date	description	am	chk
	client		
	Mr D Loveridge Mill Place Datchet		
	project		
	SITE PLAN Land rear of 250 to 280 Horton Road, Datchet, SL3 9HN		
	drawing title		
	site location plan		
drawn by	date	checked	
jch	Sept 2011	jch	
job no.	drawing no.	revision	
0912	A500	0	

## WINDSOR URBAN DEVELOPMENT CONTROL PANEL

3 February 2016

Item: 7

<b>Application No.:</b>	15/03454/FULL
<b>Location:</b>	Queens Schools Eton College South Meadow Lane Eton Windsor SL4 6EW
<b>Proposal:</b>	Refurbishment of existing buildings, remodelling of front courtyard, new single storey chemistry pavilion to the rear and new roof pavilion, plus associated landscaping works
<b>Applicant:</b>	Eton College
<b>Agent:</b>	Ms Dido Milne - CSK Architects
<b>Parish/Ward:</b>	Eton Town Council

**If you have a question about this report, please contact:** Vivienne McDowell on 01628 796578 or at [vivienne.mcdowell@rbwm.gov.uk](mailto:vivienne.mcdowell@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 This application proposes extensions and alterations to the building and courtyard areas. The proposal is to provide additional science teaching facilities; however there would be no additional pupils at the school. The proposed extensions which include a roof extension and single storey extensions to create a modernised science faculty. Part of the alterations also involve the removal of the front entrance extension and WC's on the frontage of the Queens Building. It is considered that the proposed extensions and alterations are acceptable in terms of their design and in terms of impact on nearby listed buildings. It is considered that the proposed development would preserve the character of the Conservation Area.
- 1.2 The applicants are proposing a flood compensation scheme to ensure that there is no loss of flood storage capacity. Full comments are awaited from the Council's Tree Officer and will be reported in the Panel Update, when available. A bat survey needs to be undertaken prior to the determination of the application.

<b>It is recommended the Panel authorises the Borough Planning Manager:</b>	
1.	<b>To grant planning permission subject to the receipt of a satisfactory revised flood compensation scheme and receipt of satisfactory bat survey report and with the conditions listed in Section 10 of this report.</b>
2	<b>To refuse planning permission if a satisfactory revised flood compensation scheme and satisfactory bat survey report is not received by 31 May 2016, for the reason that the applicants have not demonstrated that the proposal would not have an adverse impact on the flood plain and adverse impact on biodiversity.</b>

### 2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Director of Development and Regeneration delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site lies within Eton Conservation Area to the south of Lower Chapel (Grade II Listed building) on the south side of Meadow Lane.

### 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
06/00274/FULL	Construction of a single storey extension to	Permission 7/2/2006



	existing staircase tower and new glazed entrance.	
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4.1 This proposal includes the demolition of an existing extension at the entrance of Queens Building, the construction of a roof pavilion extension and single storey extensions. Other elements of the scheme include a remodelled courtyard areas and new fenestration.

**5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION**

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

National Planning Policy Framework, Section: Paragraph 17 (Core principles), Section 7 (Requiring good design), Section 10 (Climate change and Flooding); Section 11 (Natural Environment); Section 12 (Historic Environment)

**Royal Borough Local Plan**

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

	Within settlement area	High risk of flooding	Conservation Area	Listed Building	Protected Trees	Highways /Parking issues
Local Plan	DG1, H10, H11, H14	F1	CA2	LB2	N6	T5, P4

b. Supplementary planning documents adopted by the Council relevant to the proposal are:

- Interpretation of Policy F1 – Area Liable to Flood
- Sustainable Design and Construction
- Planning for an Ageing Population

More information on these documents can be found at:  
[http://www.rbwm.gov.uk/web/pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm)

**Other Local Strategies or Publications**

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at:  
[http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- RBWM Parking Strategy - view at:  
[http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- RBWM Strategic Flood Risk Assessment - view at:  
[http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- Conservation Area appraisal - view at:  
[http://www.rbwm.gov.uk/web/pp\\_conservation\\_consultation\\_appraisals.htm](http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm)

**6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i Impact on the Conservation Area
- ii Impact on neighbouring properties and the Green Belt
- iii Flooding implications
- iv Highways and parking

## **Impact on the Conservation Area and setting of the River Thames**

- 6.2 The removal of the modern single storey extension at the entrance of the Queens Building and the reconfigured courtyard is considered to be acceptable in terms of its impact on the Conservation Area and nearby listed buildings (including the Lower Chapel). The new courtyard would provide a large paved area with sunken external teaching space and planters. This is also considered to be acceptable.
- 6.3 The proposed roof extension would provide a fully enclosed structure to provide a sixth form centre/class room and a covered exhibition area. The classroom and exhibition would be under a mono pitched roof and set diagonally on the existing flat roof. This new roof extension would be accessed via a new atrium which would be linked to a new greenhouse at roof level. The maximum height of the new roof extension (above the existing flat roof) would be approximately 4.5 metres. The existing flat roof building is approximately 13 metres in height. The remainder of the roof area would be used as a green roof – for planting, astrology platform and thermal panels and photo voltaics.
- 6.4 The new roof extensions would appear as a contemporary light-weight additions, comprising large areas of glazing and set back from the front and rear elevations of the main buildings. The proposed materials include acrylic self coloured render, powder coated metal doors and windows, pre-weathered zinc standing seam roof. The proposal also includes a new toughen glass balustrade surrounding the existing flat roof.
- 6.5 The proposed additions to the roof are considered to acceptable and would preserve the character of the Conservation Area (Policy CA2). The extensions would not be obtrusive when viewed from street/ground level and any long range views of the roof extension would be against a backdrop of existing buildings.
- 6.6 The new single storey rear extension would include a new chemistry teaching area to provide chemistry common room, toilets, chemistry head office and technicians office. This extension would be arranged on piloti (piers). It would have a shallow pitch and the overall height of the building would be approximately 5.2 metres to the top of the ridge from the existing ground level within the rear courtyard area and 7 metres to the ridge measured from the lowest ground level on the south side. The proposed materials are cedar cladding and pre-weathered zinc roof.
- 6.7 A new link extension would connect this new teaching area to the main building. An existing single storey extension would need to be demolished at the rear of the Queens building as part of this proposal. The new ground floor chemistry teaching extensions would not be readily visible from outside of the site boundary. These extensions are considered to preserve the character of the Conservation Area.
- 6.8 The application also provides details of various alterations to fenestration on the existing building which are considered to be acceptable in terms of Policy CA2. The Council has paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.9 As the extensions and alterations are considered to preserve the character of the Conservation Area and not have any adverse impact on the setting of any nearby listed buildings, the application is considered to comply with paragraph 137 of the NPPF.
- 6.10 Furthermore, site is some considerable distance from the river Thames. It is considered that there would be no adverse impact on the setting of the river Thames (Policy N2).

## **Impact on neighbouring properties and the green belt**

- 6.11 The nearest buildings on either side of the application site are part of Eton College. It is considered that the impact of the proposed extensions on neighbouring properties is acceptable and would not give rise to any additional overlooking or result in any loss of outlook or over-dominating impact.

- 6.12 The site itself is not in the Green Belt but it is adjacent to the Green Belt. It is considered that the impact of the proposed extensions on the Green Belt is acceptable. The extensions and alterations would be seen in the context of a large existing building and against a backdrop of neighbouring buildings which are part of Eton College.

### **Flooding implications**

- 6.13 Part of the site lies within flood Zone 2 and the remainder of the site is within Flood Zone 3. The area immediately to the south of the site (adjacent to the Arup building) lies within the functional flood plain. The Environment Agency has been consulted on the application, but has not provided site specific comments and instead has referred the Local Planning Authority to its standing advice. The standing advice requires the submission of a flood risk assessment together with any necessary flood mitigation and resilience measures.
- 6.14 The applicants have prepared a site specific Flood Risk Assessment. As part of the assessment they are proposing a level for level flood compensation scheme which involves re-profiling a bank to the south of the Arup's building (within flood Zone 3 and on the edge of the functional flood plain).
- 6.15 The Council's Flood Risk Engineer (Local Lead Flood Authority) has commented on this application and advises that the information provided meets the Environment Agency's standing advice and has confirmed she has no objections to the application on flood risk grounds.
- 6.16 The new chemistry department extension (approximately 100 square metres in area) would be built on piloti (piers) with an open void beneath to allow flood water to flow underneath. The originally submitted flood compensation scheme does not provide compensation for the chemistry extension. However, Local Plan Policy F1 does not accept piers and voids as a means of compensating for extensions which exceed the 30 sq metre policy allowance.
- 6.17 Therefore, the applicants have been requested to revise the flood compensation scheme so that it also compensates for this building. It is understood from the applicants that in order to compensate for this extension, the flood compensation scheme needs to provide additional capacity in the order of 4 cubic metres. The originally submitted flood compensation scheme provides in the order of 110 cubic metres additional storage capacity, so the revised compensation scheme should involve fairly minor adjustments to the proposed bank re-profiling.
- 6.18 Any further details and plans submitted regarding the revised flood compensation scheme will be reported in the panel update if received in time.

### **Highways and parking**

- 6.19 The proposed extensions and alterations would not increase the pupil numbers or staffing numbers at the school and does not affect the highway. On that basis there are no objections to the scheme on highway grounds.

### **Ecology**

- 6.20 The applicants have submitted an Extended Phase 1 Habitat Survey, Queen's School, Eton College (Greenspace Ecological Solutions, April 2015).
- 6.21 Part of the site was recorded as being deciduous woodland, which is a priority habitat. Section 40 of The NERC Act (2006) places a duty on all public bodies, including planning authorities, to have regard for biodiversity in exercising their functions. Planning authorities should have particular regard to the priority habitats listed under Section 41 of the act which should be treated as a material consideration in the planning process. The development is not situated within this area and therefore, as long as tree protection measures are implemented in line with BS5837: Trees in Relation to Design, Demolition and Construction, there should be no adverse effect on the area of woodland on site.

- 6.22 The main building consists of three adjoining buildings, the 1950's Holford building, the Queens building and the Arup building and all were assessed for their potential to support roosting bats. The 1950's Holford building and Arups building were recorded as having negligible potential to support roosting bats. The Queens building had limited bat roosting features (possible access within the louvered detailing and access within missing mortar joint) and was therefore assessed as having moderate potential to support roosting bats.
- 6.23 All bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2010, as amended, the Countryside of Rights and Way Act 2000 and the Wildlife and Countryside Act 1981, as amended. Seven bat species are also considered Species of Principal Importance (SPI's) under Section 41 of the NERC Act 2006.
- 6.24 It is understood that the current proposals will result in no alteration to the roof covering of the Queens section and the roof area within this section will not be disturbed during the proposed development, and therefore no further surveys are required. If plans change and the Queens Section of the building is to be altered/ disturbed, further survey in the form of dusk emergence and dawn return to roost surveys will be required following best practice guidelines. If plans change this would be a separate matter to be addressed at that time.
- 6.25 Three trees and one group of trees were recorded as being of sufficient size to support roosting bats. Following a detailed survey, two of the trees were recorded as being category 3 trees (trees with little/no potential to support roosting bats) and therefore no further survey on these trees is required. Two trees were recorded as category 2 trees (containing some features to support roosting bats).
- 6.26 One of the trees identified in the applicant's ecology report as category 2 is referred to as T1 in the ecology report (and this corresponds with T17 in the separate Tree Survey). It is understood that this tree would be lost in order to provide the flood compensation scheme. In these circumstances, further bat survey work on this tree will be required prior to the determination of the planning application. As recommended by the applicant's ecologist, a climbing survey will be required on this tree (T1) prior to the determination of the application. This survey can be undertaken at any time of year. Further survey work may be required following this initial survey which can only be undertaken between May and August inclusive. If the proposals did not involve the removal of this tree, further survey work would not be required. Depending on the findings of an initial climbing survey and to avoid the need for a follow up bat survey, the applicants have advised that they may decide not to remove the tree T1 (T17). However, the flood compensation scheme would need to be revised to take account of the root protection of this tree. Any changes to the proposal with regard to this tree will be reported in the Panel Update.
- 6.27 The trees and scrub were recorded as having the potential to support breeding birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended. The applicant's ecologist has provided information with regards to timing of vegetation removal and protective measures with regards to breeding birds. This advice is incorporated into a suitably worded condition, see condition 3 – section 10 of this report.
- 6.28 The applicant's ecologist concluded that the site was not suitable to support reptiles, dormice or badgers. The woodland to the south of the site was found to have the potential to support a diverse assemblage of invertebrates. However, as this area is not to be developed, no further survey for this species group is required.
- 6.29 In addition, an area of habitat comprising a dry pond was recorded as suitable habitat to support great crested newts. However, the site lacks connectivity to any suitable breeding ponds as the only waterbodies recorded within 250m of the proposed development were deemed unsuitable to support great crested newts. Therefore the applicant's ecologist concluded the potential for great crested newts to occur within the site is considered negligible.
- 6.30 Paragraph 109 of the NPPF states that: "*The planning system should contribute to and enhance the natural and local environment by [...] minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the*

*overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”. In addition, Section 40 of the Natural Environment and Rural Communities Act 2006 states that “Every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.*

- 6.31 A number of biodiversity enhancements have been included within the applicant’s ecologist’s report and the design and access statement and include the creation of green roofs, wildlife planting and the installation of bird, bat and invertebrate boxes. See condition 3 – section 10 of this report. which requires the applicant to include all the recommendations for biodiversity enhancements made within their submitted ecology documents.

**Impact on trees**

- 6.32 One Silver birch tree would be lost within the rear courtyard area. This tree is not readily visible from outside of the site and its loss would not have any impact on the character and appearance of the Conservation Area. There is no objection to the loss of this tree.
- 6.33 A number of trees to the south of the Arup building, on the north side of the drainage channel would be lost as a result of the proposed flood compensation scheme. This part of the site is overgrown with vegetation and appears somewhat neglected. The trees are very close to the building causing shading and maintenance issues for the building. The trees currently provide some screening of the building; however, there are other trees in the vicinity and as such the harm to the character and appearance of the Conservation Area through the loss of a number of trees could be considered to be very limited. It is understood that some of the trees to be lost are low category trees.
- 6.34 The applicants are proposing new landscaping and tree planting to the south of the Arup building, on the edge of the proposed flood compensation scheme. Full comments are awaited from the Council’s Tree Officer and will be reported in the Panel update report, when available.

**Other Material Considerations**

- 6.35 The proposed extensions comply with the provisions of the Council’s SPD on Sustainable Design and Construction. Additionally, the new extensions and alterations have been designed to provide level access and a lift is to be installed within the new atrium. The Environmental Protection team has recommended an informative regarding construction hours.

**7. CONSULTATIONS CARRIED OUT**

**Comments from interested parties**

- 7.1 2 occupiers were notified directly of the application. The application was advertised in the Maidenhead & Windsor Advertiser on 12<sup>th</sup> November 2015 The planning officer posted statutory notices advertising the application at the site on the 4<sup>th</sup> November 2016
- 7.2 No letters of objection or support have been received.

**Statutory consultees**

Consultee	Comment	Where in the report this is considered
Highways	No objection	See Paragraph 6.20
Council’s	No objection subject to receipt of bat survey reports and	Paragraphs

Ecologist	suggested conditions regarding biodiversity mitigation works.	6.21-6.35
Council's Tree Officer	Comments awaited – to be reported in the Panel Update, when available.	See paragraphs 6.35
Environment Agency	Have referred the LPA to the EA's Standing Advice	Paragraphs 6.14-6.19
Environmental Protection	The applicant should be aware the recommended permitted hours of construction working in the Authority are as follows: Monday-Friday 08.00-18.00 Saturday 08.00-13.00 No working on Sundays or Bank Holidays. Please contact the Environmental Protection Team on 01628 683830.	Paragraph 6.36

### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Local Lead Flood Authority	The information provided meets the Environment Agency's standing advice; therefore no objections to the application on flood risk grounds.	See paragraph 6.16

## 8. APPENDICES TO THIS REPORT

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

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

In this case the issues have been successfully resolved.

## 9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

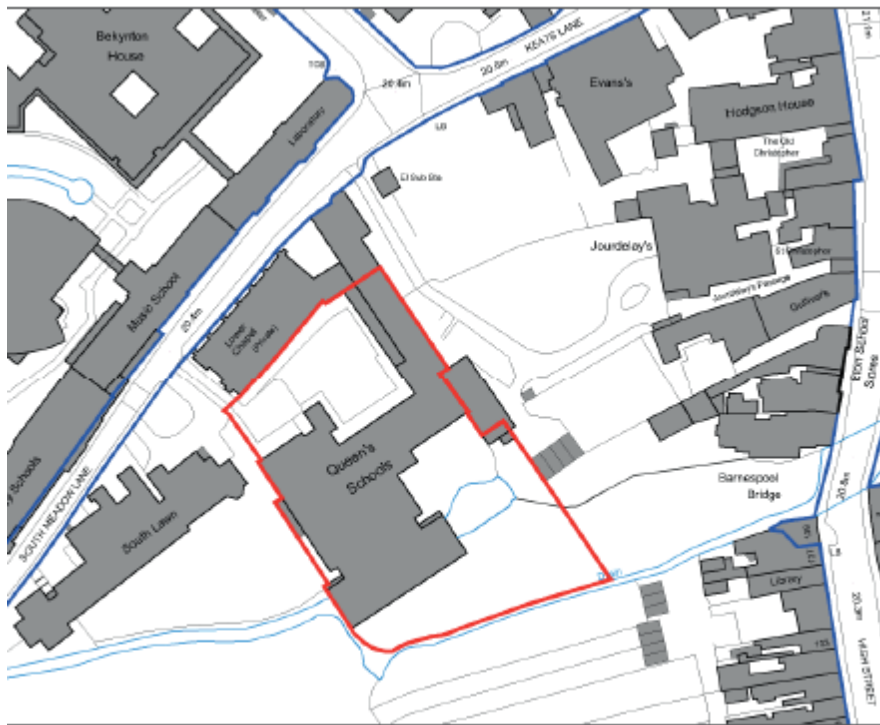
- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until samples and/or a schedule of the materials to be used on the external surfaces of the development including new hardsurfacing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, CA2.
- 3 All the recommendations for biodiversity enhancements made in the applicant's submitted Extended Phase 1 Habitat Survey (prepared by GES) shall be implemented in full prior to the

substantial completion of the development hereby approved and thereafter shall be maintained. The removal of trees, vegetation and site clearance shall be carried outside of the bird nesting season of 1 March - 31 July. In the interest of biodiversity. Relevant Policy - NPPF paragraph 109.

- 4 The flood compensation scheme shall be implemented in full and in accordance with the approved plans prior to the substantial completion of the ground floor extensions. There shall be no subsequent raising of ground levels within the area of the flood compensation scheme or else where on the site. The void area beneath the chemistry building shall be kept permanently open and free from obstruction. Thereafter the flood compensation scheme shall be retained as approved.  
Reason: To ensure that there is no adverse impact on the flood storage capacity. Relevant Policy - Local Plan F1.
- 5 If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written approval to any variation.  
Reason: To ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development. Relevant Policies - Local Plan DG1, N6.
- 6 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority.  
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 7 All hard and soft landscape works shall be carried out in accordance with the approved details (drawing 150324-L-01 Rev -). The works shall be carried out prior to the occupation of any part of the development, or in accordance with a programme first agreed in writing by the Local Planning Authority, and retained in accordance with the approved details.  
Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity. Relevant Policies - Local Plan DG1.

### **Informatives**

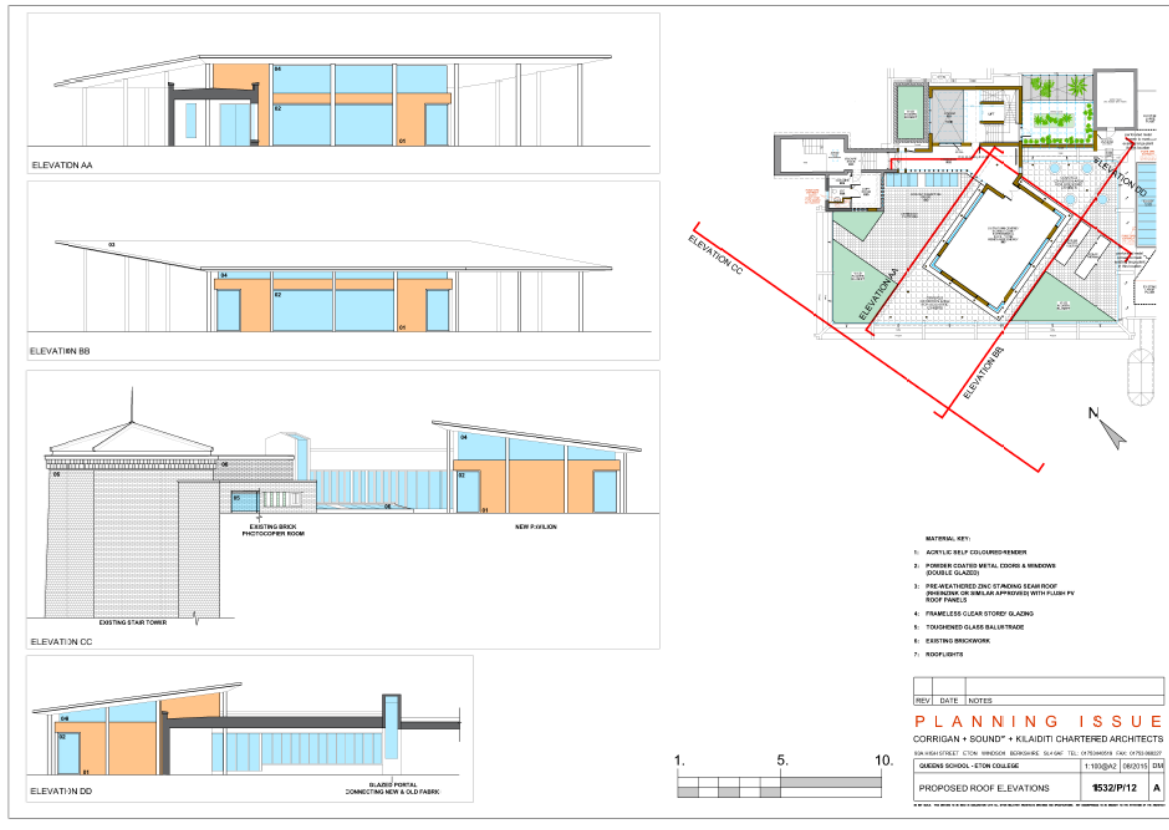
- 1 The applicant should be aware the recommended permitted hours of construction working in the Authority are as follows. Monday to Friday 08.00 until 18.00; Saturday 08.00 until 13.00, No working on Sundays or Bank Holidays.



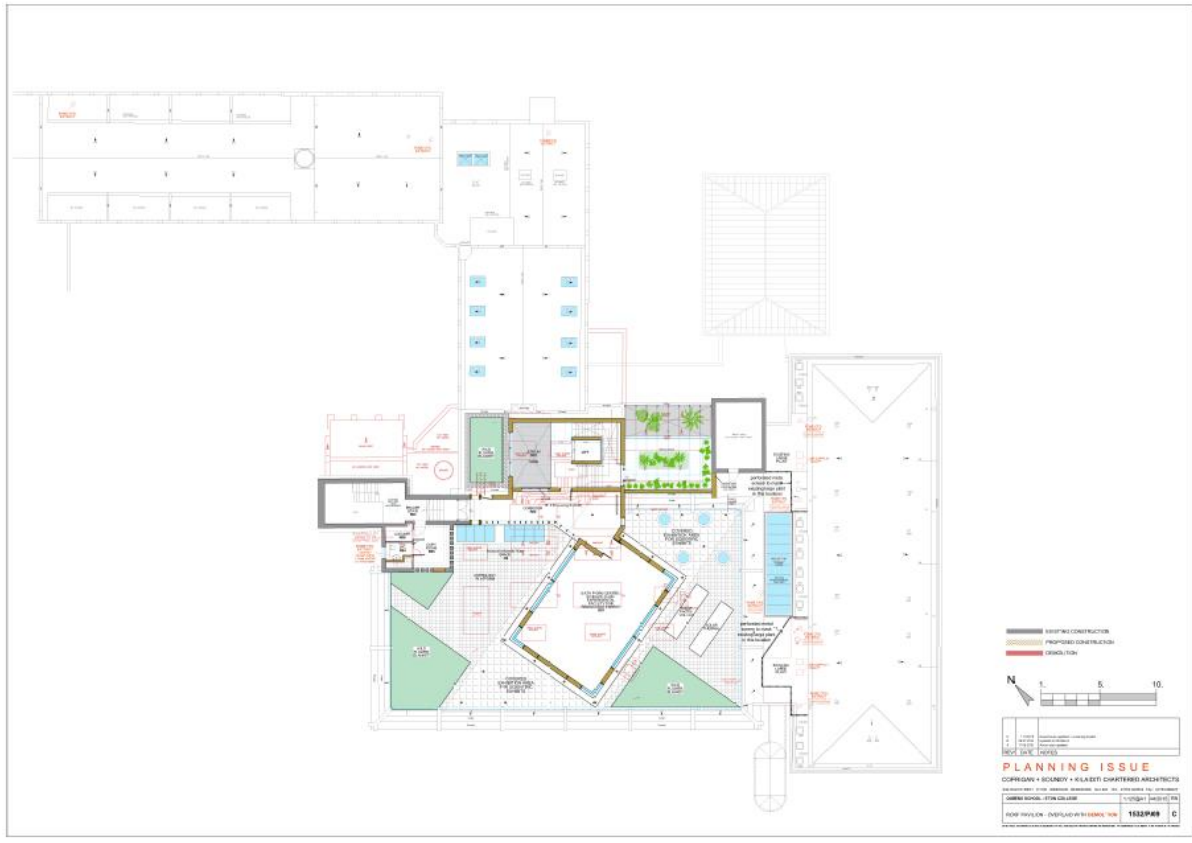
site location plan 1:1250



APPENDIX B – 15/03454



APPENDIX B – 15/03454



APPENDIX B – 15/03454



NOTES

- 1. WORK
- 2. AREAS OF CHANGE TO FLOOR FINISHING
- 3. AREAS OF FLOOR TO BE RE-tilLED
- 4. EXISTING CONSTRUCTION
- 5. PROPOSED CONSTRUCTION

Scale: 1:50

**PLANNING ISSUE**  
 CONWAY + SOUDRY + ALAEDTI SHARED ARCHITECTS  
 100 WATERLOO STREET, SUITE 100, TORONTO, ONTARIO M5V 0A5  
 TEL: 416-593-9200  
 WWW.CONWAY-SOUDRY.COM

PROPOSED FIRST FLOOR      **1532P03**      **D**



NOTES

- 1. AREAS OF FLOOR TO BE RE-tilLED
- 2. EXISTING CONSTRUCTION
- 3. PROPOSED CONSTRUCTION

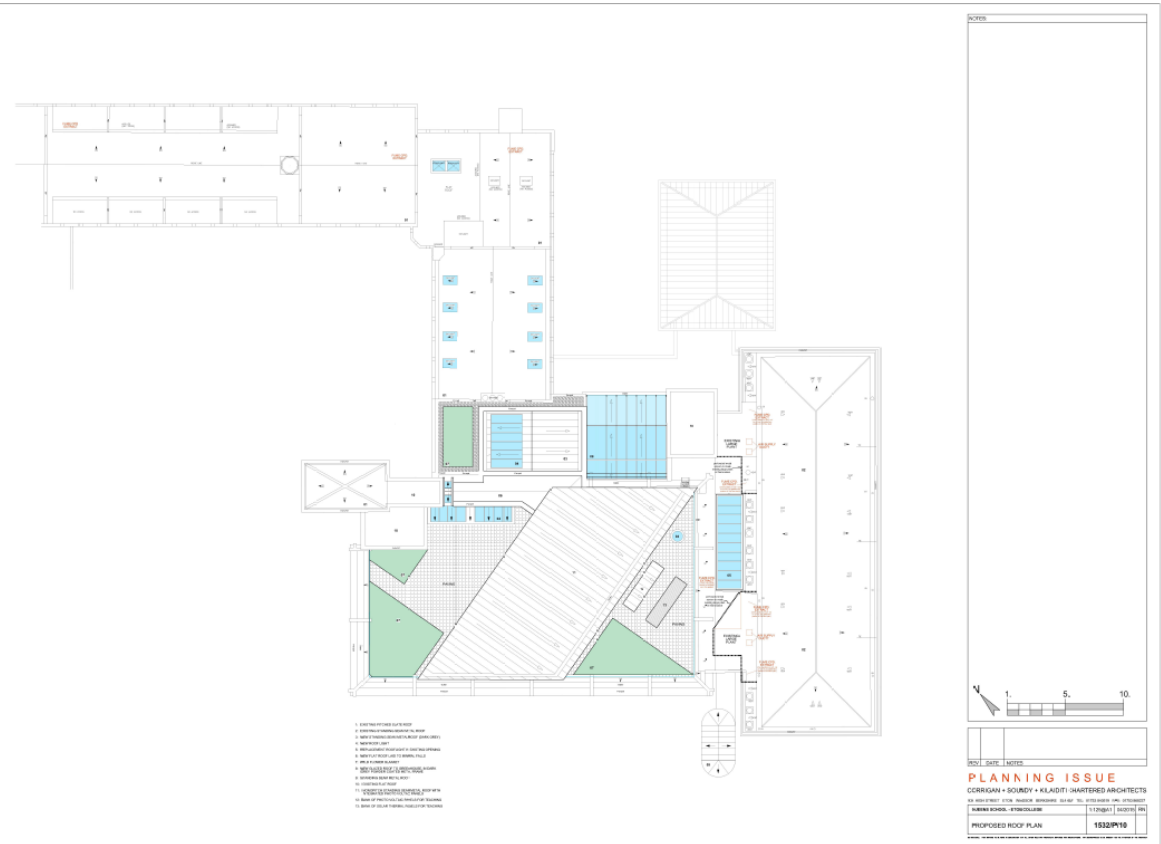
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**PLANNING ISSUE**  
 CONWAY + SOUDRY + ALAEDTI SHARED ARCHITECTS  
 100 WATERLOO STREET, SUITE 100, TORONTO, ONTARIO M5V 0A5  
 TEL: 416-593-9200  
 WWW.CONWAY-SOUDRY.COM

PROPOSED SECOND FLOOR      **1532P04**      **E**

APPENDIX B – 15/03454

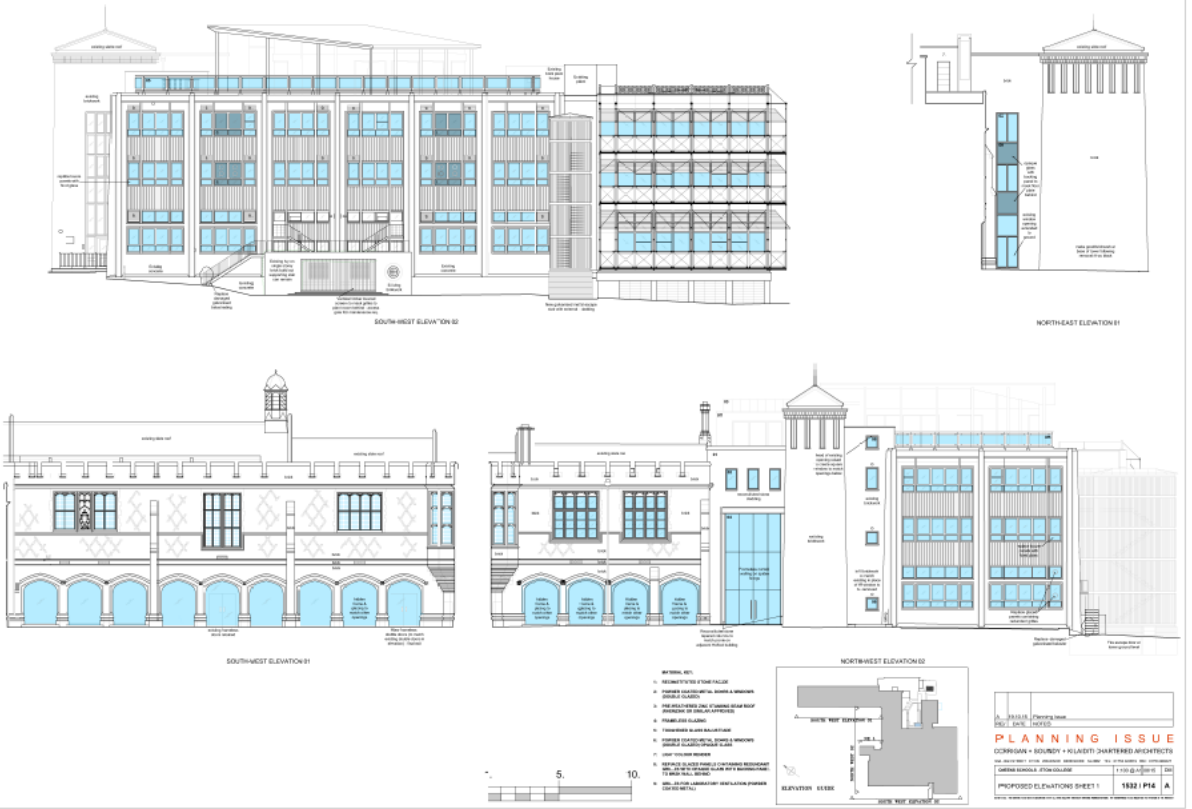


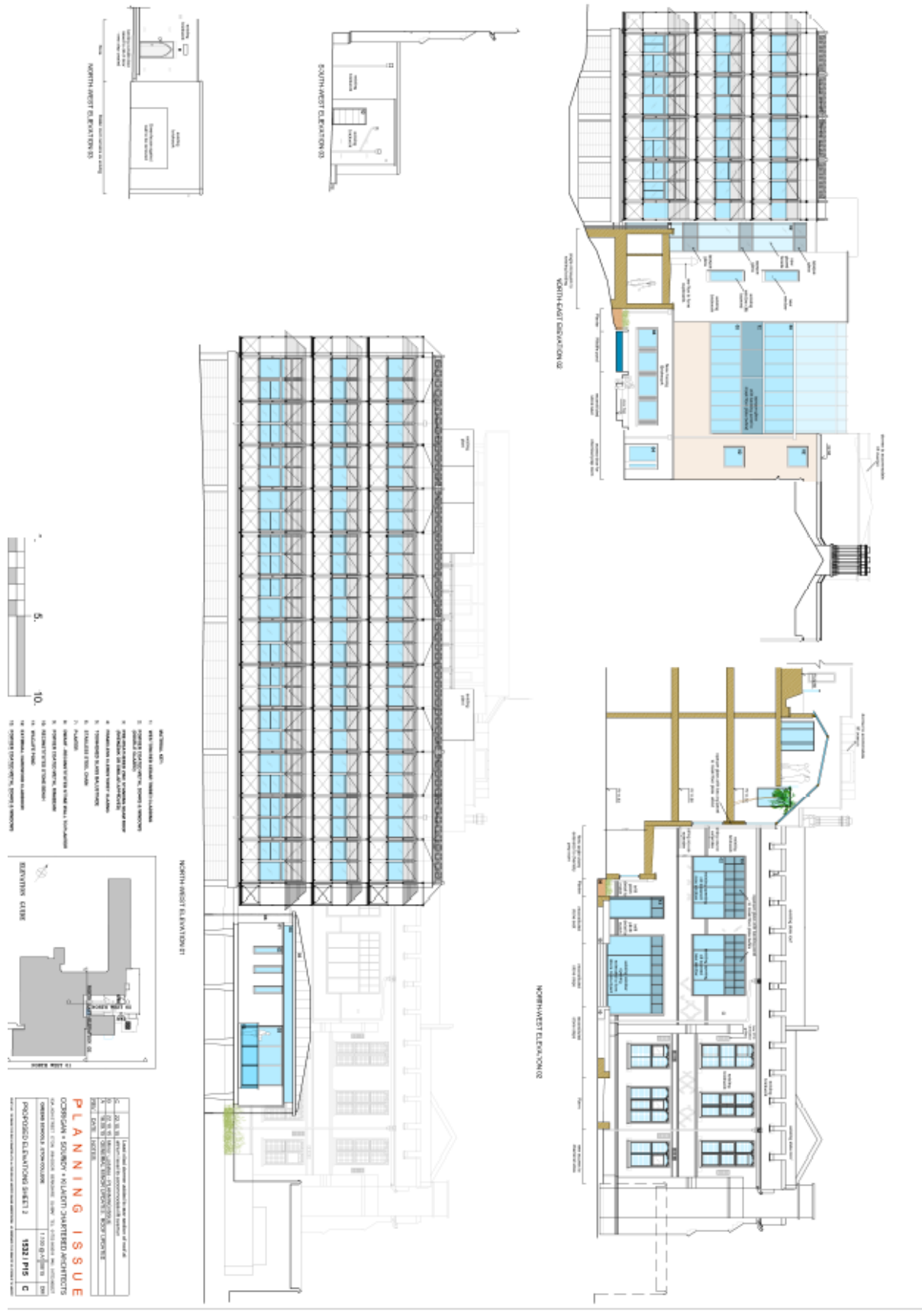


APPENDIX B – 15/03454



APPENDIX B – 15/03454









## Planning Appeals Received

19 December 2015 - 22 January 2016

### WINDSOR URBAN

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Further information on planning appeals can be found at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs) Should you wish to make comments in connection with an appeal, please use the Plns reference number and write to the relevant address, shown below.

**Enforcement appeals:** The Planning Inspectorate, Room 3/23 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or email [teame1@pins.gsi.gov.uk](mailto:teame1@pins.gsi.gov.uk)

**Other appeals:** The Planning Inspectorate Room 3/10A Kite Wing Temple Quay House 2 The Square Bristol BS1 6PN or email [teamp13@pins.gsi.gov.uk](mailto:teamp13@pins.gsi.gov.uk)

**Parish/Ward:**

**Appeal Ref.:** 16/00001/REF      **Planning Ref.:** 15/02313/CLAS SM      **Plns Ref.:** APP/T0355/W/15/3141411  
**Date Received:** 6 January 2016      **Comments Due:** 10 February 2016  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Change of use of ground floor from A1 retail to bedsits.  
**Location:** **339 - 341 St Leonards Road Windsor SL4 3DL**  
**Appellant:** Mr D Bolster **c/o Agent:** Mr Robert McLennan Heritage South West Ltd 26 Beauclerk Green Winchfield Hook RG27 8BF

**Parish/Ward:**

**Appeal Ref.:** 16/00002/REF      **Planning Ref.:** 15/02608/FULL      **Plns Ref.:** APP/T0355/D/15/3142012  
**Date Received:** 12 January 2016      **Comments Due:** Not Applicable  
**Type:** Refusal      **Appeal Type:** Householder  
**Description:** Two storey and part single storey side/front extension and garden wall.  
**Location:** **162 Eton Wick Road Eton Wick Windsor SL4 6NL**  
**Appellant:** Mr Neil McNamara **c/o Agent:** Mr Steve Scaffardi 12 Avenue Road Staines TW18 3AW

**Parish/Ward:**

**Appeal Ref.:** 16/00004/REF      **Planning Ref.:** 15/03292/CPD      **Plns Ref.:** APP/T0355/X/16/3142500  
**Date Received:** 19 January 2016      **Comments Due:** 1 March 2016  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Certificate of lawfulness to determine whether conversion of loft into habitable accommodation with the construction of 2 dormers and installation of 3 roof lights are lawful  
**Location:** **132 Vansittart Road Windsor SL4 5DQ**  
**Appellant:** Mrs L Lee **c/o Agent:** Dr Anton Lang Anton Lang Planning Services Ltd P O Box 462 Newcastle Upon Tyne NE3 9DY

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