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NOTICE OF MEETING

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WINDSOR URBAN DEVELOPMENT MANAGEMENT PANEL

will meet on

WEDNESDAY, 18TH JULY, 2018

At 7.00 pm

in the

COUNCIL CHAMBER - GUILDHALL WINDSOR,

TO: MEMBERS OF THE WINDSOR URBAN DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS MALCOLM ALEXANDER (CHAIRMAN), PHILLIP BICKNELL (VICE-CHAIRMAN), MICHAEL AIREY, JOHN BOWDEN, WISDOM DA COSTA, JESSE GREY, EILEEN QUICK, SAMANTHA RAYNER AND SHAMSUL SHELIM

SUBSTITUTE MEMBERS

COUNCILLORS NATASHA AIREY, CHRISTINE BATESON, MALCOLM BEER, HASHIM BHATTI, GARY MUIR, NICOLA PRYER, JACK RANKIN, WESLEY RICHARDS AND EDWARD WILSON

Karen Shepherd – Service Lead, Democratic Services - Issued: 10 July 2018

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 or contact the Panel Administrator **Wendy Binmore** 01628 796251

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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.	5 - 6
3.	<u>MINUTES</u> To confirm the minutes of the previous meeting.	To Follow
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. http://publicaccess.rbwm.gov.uk/online-applications/ or from Democratic Services on 01628 796251 or democratic.services@rbwm.gov.uk	7 - 88
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Essential Monitoring reports.	89 - 92

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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' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they 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 the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) 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 licence 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.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Windsor Urban Panel

18th July 2018

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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.	18/00839/FULL	Recommendation	PERM	Page No.	9
Location:	Land At Datchet Quarry Riding Court Road Datchet Slough						
Proposal:	A temporary recycling aggregate operation and associated staff offices, welfare facilities and parking						
Applicant:	Mr Kelly	Member Call-in:		Expiry Date:	17 May 2018		
<hr/>							
Item No.	2	Application No.	18/00840/VAR	Recommendation	PERM	Page No.	30
Location:	Cemex Datchet Quarry Riding Court Road Datchet Slough						
Proposal:	Variation (under Section 73A) of planning approval 15/02886/VAR; Condition 18 (Export import tonnage) to revise the amounts of material leaving the site, infills to the site and aggregate extractions as set out in Appendix C of the accompanying Transport Statement, Condition 19 (Traffic movements) in order that the movements are in accordance with the vehicle movements set out in Table 6.3 (Proposed Daily Traffic Movements) and 6.4 (Proposed AADT Movements) in the accompanying Transport Statement and Condition 22 (External materials - buildings, structure) to substitute approved plans with amended plans.						
Applicant:	Mr Kelly	Member Call-in:		Expiry Date:	23 July 2018		
<hr/>							
Item No.	3	Application No.	18/00196/FULL	Recommendation	PERM	Page No.	53
Location:	Smiths Lawn Windsor Great Park Windsor						
Proposal:	Realignment of existing road and extensions to existing polo fields with associated levelling works						
Applicant:		Member Call-in:	Not applicable	Expiry Date:	24 April 2018		
<hr/>							
Item No.	4	Application No.	18/00608/VAR	Recommendation	PERM	Page No.	67
Location:	Vale Property Developments Ltd Vale House 100 Vale Road Windsor SL4 5JL						

Proposal: Variation of condition (19) (under Section 73A) to substitute approved plan with amended plan for the erection of 14 dwellings (4x 2-bed; 4x 3-bed and; 6x 4-bed) and 6 detached garages with associated parking and landscaping following the demolition of existing commercial building approved under planning permission 16/02737/FULL.

Applicant: Mrs Radford

Member Call-in:

Expiry Date: 30 July 2018

Planning Appeals Received and Appeal Decision Report

Page No. 89

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

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

18 July 2018

Item: 1

Application No.:	18/00839/FULL
Location:	Land At Datchet Quarry Riding Court Road Datchet Slough
Proposal:	A temporary recycling aggregate operation and associated staff offices, welfare facilities and parking
Applicant:	Mr Kelly
Agent:	Mr James Brown
Parish/Ward:	Datchet Parish/Datchet Ward
If you have a question about this report, please contact: Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk	

1. SUMMARY

- 1.1 Planning permission exists for the use of land at Riding Court Road as a quarry for the extraction of sand and gravel. The quarry first started operating in November 2015 following planning permission ref: 13/01667/FUL which was issued on 21.08.2015 (and subsequent permission ref: 15/02886/VAR issued on 08.02.2016). The site is now known as CEMEX Quarry, Datchet. Permission exists for use of the site in this way (including extraction, infill and restoration) until 2027, which is 12 years from the date of commencement.
- 1.2 Planning permission is sought for a temporary recycling aggregate facility with associated staff offices, welfare facilities and parking within the south-east corner of the quarry site, immediately to the east of the current access off Riding Court Road. The recycling facility will operate in an ancillary function alongside the sand and gravel extraction but will cease one year in advance to allow for restoration to be completed by 2027.
- 1.3 As a result of this proposal, there would be changes to the amount of material entering and leaving the site, changes to the number of vehicular movements in and out of the site and changes to the built structures within the site. As such, three conditions on the quarry permission, ref: 15/02886/VAR need to be varied. This is being dealt with concurrently under planning application ref: 18/00840/VAR.
- 1.4 The temporary recycling aggregate operation would be a small scale facility which would support the main function of the quarry. The physical presence of the recycling facility and associated infrastructure would cause minimal harm to the surrounding area in terms of impact on character and amenity. The additional vehicular movements associated with the proposal can be accommodated on the highway network without disruption.
- 1.5 An extension of time until 23rd July has been agreed with the applicant in order to proactively address issues raised in the assessment of the application.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission upon removal of Lead Local Flood Authority (LLFA) objection and subject to the completion of a satisfactory Deed of Variation and with the conditions listed in Section 10 of this report.
2.	To refuse planning permission if objections are maintained by the Lead Local Flood Authority (LLFA) and are agreed by the LPA on grounds of surface water drainage and/or if a Deed of Variation is not secured

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises an area of land measuring 1.98 hectares and encompasses the existing parking and office area used by the main quarry facility which is situated to the west of the access road and a triangular area of open scrubland immediately to the east of the main entrance where the recycling facility would be sited. A full description of the wider quarry site and its surroundings is given in the panel report for application 18/00040/VAR.
- 3.2 The south and east boundaries of the site comprises mature trees and vegetation. Beyond the south boundary of the site is Riding Court Road, from which the site is accessed, beyond which in a southerly direction is the M4 motorway. To the north-west of the proposed recycling facility is the existing quarry.
- 3.3 Vehicular access into the site is off Riding Court Road. Currently, parking and offices are located immediately to the west of the access road and form part of the current application site.
- 3.4 The site is within the Green Belt and within Flood Zones 1, 2 and 3.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is for a temporary recycling aggregate facility. The operation would involve the processing of the construction and demolition waste which is to be brought into the site to infill and restore the quarry. The processing through the recycling facility would occur before infilling to recover any reusable concrete/hardcore. The recovered product will then be crushed into recycled aggregate and sold to be used direct or blended with the primary aggregate being extracted at the quarry to produce a useable product. The remainder of the construction and demolition waste will go into the quarry for infill. The facility will require an office for staff to be positioned adjacent to the existing site offices and additional parking.
- 4.2 The proposed recycling facility will aid the mineral development by maximising the use of primary aggregate resources by mixing them with recycled product where appropriate and by minimising the wastage of infill by recovering recycled aggregate.
- 4.3 The operation will consist of one crusher, one excavator, one wheel-loader and a weighbridge. The area of land used in association with the recycling facility will contain stockpiles of material. It is projected that the site will process up to 30,000 tonnes per annum. To the west of the access road, a temporary office and welfare facilities are proposed.

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
15/02886/VAR	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 as approved under planning	Permitted 08.02.2016

	permission 13/01667 without complying with condition 18 (export import tonnage) to re-word the condition.	
18/00840/VAR	Variation (under Section 73A) of planning approval 15/02886/VAR; Condition 18 (Export import tonnage) to revise the amounts of material leaving the site, infills to the site and aggregate extractions as set out in Appendix C of the accompanying Transport Statement, Condition 19 (Traffic movements) in order that the movements are in accordance with the vehicle movements set out in Table 6.3 (Proposed Daily Traffic Movements) and 6.4 (Proposed AADT Movements) in the accompanying Transport Statement and Condition 22 (External materials - buildings, structure) to substitute approved plans with amended plans.	Pending consideration

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections:

- 1 – Building a strong competitive economy
- 3 - Supporting a prosperous rural economy
- 8 – Promoting Healthy Communities
- 9 – Protecting Green Belt Land
- 10 – Meeting the challenge of climate change, flooding and coastal change
- 13 – Facilitating the use of minerals

Royal Borough Local Plan

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

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

These policies can be found at

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Acceptable impact on River Thames corridor	SP4
Manages flood risk and waterways	NR1
Air Pollution	EP2
Makes suitable provision for infrastructure	IF1

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more details in the assessment below.

Significant weight is to be accorded to Borough Local Plan Submission Version policies SP1, SP2, SP3, SP4, SP5, EP2 and IF1 in this case. Lesser weight should be accorded to Borough Local Plan Submission Version policy NR1 due to the extent and nature of objections raised to it by representations on the Borough Local Plan Submission Version. The above application is considered to comply with the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded.

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

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

Emerging Joint Minerals and Waste Plan

RBWM together with Bracknell Forest Council, Reading Borough Council and Wokingham Borough Council are working collectively to produce a new Joint Minerals and Waste Plan (JMWP) for the period up to 2036.

The Minerals Background Study, June 2017 (Issues and Options)

This study states that when used locally, recycled aggregate can reduce the impact of transport and cut carbon emission and that the use of recycled and secondary aggregates can provide a more sustainable source of supply.

The Waste Background Study, June 2017 (Issues and Options)

Annex 3 of this document states that aggregate recycling activities (usually temporary operations) can also be located at mineral workings.

Draft Joint Minerals and Waste Plan

This plan is currently in draft form and is not yet published for consultation. It is due for public consultation at the end of the summer 2018.

Part of Datchet Quarry is listed in the emerging Joint Minerals and Waste Plan as a Waste Management Site for proposed aggregate recycling for the lifetime of the quarry. The Waste Management site covers the area of land in the south-east corner of the quarry site where the proposed recycling facility would be situated.

Supplementary planning documents

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

- The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 2004

More information on these documents can be found at:

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

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment – view at:
- RBWM Parking Strategy – view at:

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i EIA Regulations and matters for consideration
- ii Principle of development
- iii Impact on Character of the Area
- iv Impact on amenity
- v Traffic issues
- vi Other material consideration

i EIA Regulations

6.2 The original development (approved under ref: 13/01667/FULL) constituted EIA development under Schedule 1 of the EIA Regulations due to it comprising a mineral extraction activity of 25 hectares or larger. Thus an Environmental Statement (ES) was submitted with the application. Additional information was also submitted under an EIA Regulation 22 request. Taken together the ES and Regulation 22 submission that accompanied the application satisfactorily demonstrated that the cumulative impacts of the simultaneous operations at the site would be acceptable, subject to conditions.

6.3 This application falls under category 2 (a) of Schedule 2 of the EIA Regulations, in that the proposed structures and temporary plant represent an ancillary function to the principal quarry use and do not exceed 1,000 square metres. The proposals are thus not EIA development and an ES is not required. It should be noted that the concurrent application, ref: 18/00840/VAR, has been deemed as EIA development and that an Environmental Statement Addendum (ESA) has been submitted with that application.

ii Principle of Development

6.3 Paragraph 142 of the NPPF states that minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, building, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation. Paragraph 143 of the NPPF advises that Local Planning Authorities should safeguard recycled and secondary aggregate material.

6.4 The principle of the use of the wider site for sand and gravel extraction was considered against the NPPF and relevant policies in the Berkshire Minerals Plan, the Berkshire Waste Local Plan and the RBWM adopted Local Plan and found acceptable subject to conditions and a section 106 agreement to mitigate any impacts arising from the development. It is a material consideration that this operation will continue on site until 2027.

6.5 The proposal to construct a recycling facility within the corner of the site, to act in an ancillary function to the main quarry, would meet the aspirations of the emerging draft Joint Minerals and

Waste Plan which lists a 3ha area of land in the south-east part of the existing quarry site for an aggregate recycling facility for the lifetime of the quarry. This plan is in draft form and yet to go through public consultation and therefore carries limited weight in the decision making process.

- 6.6 In terms of impact on the Green Belt, mineral extraction is listed as an appropriate form of development under paragraph 90 of the NPPF provided it would preserve the openness of the Green Belt and not conflict with the purposes of including land within it. The mobile plant that is to be moved around the site was considered to have a minor but temporary effect on the Green Belt, but its removal is controlled by condition. Mineral extraction in the larger part of the site as a designated mineral extraction and waste processing area was therefore considered appropriate development in the Green Belt. The part of the land within the Historic Park to be used for mineral extraction required a case of Very Special Circumstances to be put forward. This part of the proposal was justified on the basis that the harm was temporary and that the parkland would be fully restored and enhanced following completion of the works and that great weight was given to the benefits of mineral extraction.
- 6.7 The area of land where the recycling facility is to be located is within the south-east corner of the wider quarry site (and not within the Historic Park). The moveable plant is shown to be no greater than 4m in height which is materially lower in height than other structures within the central part of the quarry. The staff parking and office area would be re-configured and expanded as part of this application, however given the temporary nature of the proposal and the fact that a major operation is already continuing on site, it is considered that the proposed development would be considered appropriate development under paragraph 90 of the NPPF and its removal from site can be controlled by condition 29.

iii Impact on Character of the Area

- 6.8 The works to form the quarry have been carried out and works are continuing on site. The character of the site has therefore been altered as a result of the extant permission but this was found to be acceptable subject to conditions and a section 106 agreement.
- 6.9 The proposed recycling facility would be stationed within the centre of the open land to the east of the access road, a significant distance away from any mature boundary trees which provide an important buffer to the site. No objections have been raised by the Council's Tree Officer, subject to a condition requiring details of tree protection to be submitted prior to commencement of development. This part of the site would be used for processing of the material and would involve the stationing of a crusher, a screener and two stockpiles. HGVs would need to manoeuvre around the plant. This part of the development would be largely screened from Riding Court Road by the mature boundary screening. Given that it would be sited within the centre of the site and away from the site boundaries, it is considered that there would be minimal visual impact on the surroundings. Condition 2 is recommended to secure the relevant tree protection details.

iv Impact on Amenity

- 6.10 Impacts arising from the additional materials processing on the site to nearby neighbouring occupiers would be minimal when considered alongside the ongoing sand and gravel extraction currently taking place at the quarry. Whilst the recycling facility would be situated on an area of land which is currently undeveloped, the southern boundary contains mature trees, to the south of which is Riding Court Road and the M4 motorway. Neighbouring properties within Datchet village which reside to the south of the M4, would be in excess of 100m from the recycling facility and buffered from it by mature screening and the motorway. The nearest neighbouring property to the north-west is Tree Tops, which is located within the Riding Court Farm complex. The additional work arising from the temporary recycling facility would be largely screened from this neighbouring property by the existing quarry.
- 6.11 Impacts upon residents arising from additional vehicular movements are covered in more detail below and under application 18/00840/VAR.

v Traffic issues

6.12 No objections have been raised by the Highways Officer in relation to the additional recycling facility to be erected within main quarry site. No changes are proposed to the existing access arrangement onto Riding Court Road or to the routing agreement covered by condition 16 of extant permission 15/02886/VAR. Condition 10 securing the same routing has been recommended if permission is granted. The additional vehicular movements that would occur as a result of the additional processing on site are considered to be minimal when considering the cumulative impact of the development as a whole. The provision of a temporary recycling aggregate operation plus the associated staff office, welfare facilities and parking is unlikely to have a significant impact on traffic flows across this section of the highway network.

vi Flooding/Drainage

6.13 The site lies within Flood Zone 1 and 2 and partly within Flood Zone 3a. The mobile plant, including the crushers and the stockpiles, would be sited within Flood Zone 3. The temporary offices and car parking would be provided within the parts of the site covered by Flood Zones 1 and 2. Whilst the EA flood maps have been updated recently, the original permission was granted on the basis that there were varying degrees of flood risk across the site with different parts falling in flood zones 1, 2 and 3.

6.14 Sand and gravel extraction is classed as 'Water compatible' by the NPPG in flood risk terms and it was therefore considered to be appropriate within Flood Zones 1, 2 and 3. A full Flood Risk Assessment (FRA) was required as part of the original application, which included a sequential test. The matter of flood risk was also covered within the original ES which accompanied application 13/01667/FULL.

6.15 In terms of the current application, aggregate recycling facilities are classified as less vulnerable development which is also appropriate in Flood Zones 1, 2 and 3a - the only part of the development within Flood Zone 3 is the mobile plant and stockpiles. The reconfiguration of the temporary welfare offices and staff parking are to be provided alongside the existing staff compound and these works would fall within mainly within Flood Zone 1.

6.16 Paragraph 101 of the NPPF advises that the Sequential Test aims to steer all new development to areas with the lowest probability of flooding and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Section 4 of the submitted Flood Risk Assessment includes a Sequential Test and advises that the application site is been identified for the development for three main reasons:

- The reclaimed aggregate will be utilised with material devised from the wider quarry site to fill the created voids (where lakes are not proposed). The recycling plant must therefore be located in the last part of the quarry to be excavated.
- The recycling facility needs to be located closest to the entrance to the site
- The southern boundary of Riding Court Quarry is close to the M4 where background noise is already at an elevated level

6.17 The LPA considers that the above information is considered sufficient to comply with the Sequential Test. In line with advice in the NPPG, an exception test doesn't need to be carried out for a less vulnerable development in Flood Zone 3a. A Flood Risk Assessment has been submitted and found acceptable by the Environment Agency.

6.18 On the basis of the foregoing, the LPA is satisfied that the proposal meets the requirements of paragraphs 100-103 of the NPPF regarding Flood Risk.

6.19 The Environment Agency has advised that the proposal would have an acceptable impact on groundwater pollution.

6.20 The Lead Local Flood Authority has objected to the application on grounds of surface water drainage and flooding. The applicant has responded to this objection by providing further information in the form of an email dated 20th June 2018 which advises that made ground will be

created for the recycled aggregate facility, but this will consist of surcharged mineral from the wider quarry. The welfare facilities/ office will be placed on existing made ground. Therefore, there will not be an increase in any impermeable surfaces created by the proposal. The FRA and drainage strategy submitted with the Full Application is based upon there being no increase in impermeable surfaces, and addresses the drainage of the site. Further comments are awaited from the LLFA and the application is recommended for approval subject the removal of this objection.

Ecology

- 6.21 The Ecologist has recommended a condition to ensure that a Biodiversity Construction Environmental Management Plan is submitted prior to the commencement of works which shall be adhered to and implemented throughout the construction period. The ecological interests of the wider site are covered by conditions on the extant planning permission, ref: 15/02886/VAR. Condition 5 is recommended to secure the relevant details.

7. SECTION 106 PLANNING OBLIGATION

- 7.1 The section 106 obligation completed for the original permission secured highways routing and works and the amalgamation of the restored parkland back into the main part of Ditton Park (if this could not be 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. A Deed of Variation will need to be entered into as a result of this current permission to any vehicular movements arising as a result of the temporary recycling facility also adhere to the routing agreement.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

The neighbouring occupier, Tree Tops, at Riding Court Farm was notified directly of the application.

The planning officer posted a notice advertising the application at the site on 4th April 2018 and the application was advertised in the Maidenhead & Windsor Advertiser on 5th April 2018.

No letters have received in relation to this application.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Local Flood Authority	<p>1. We can accept that the aggregate operation on this site will likely result in a reduced runoff coefficient from those areas of the site where the sandy clay is excavated and the sand and gravel layer is exposed. However, we still require further information to address the flood risk through the lifecycle of the development and water quality issues.</p> <p>2. Can the developer quantify any additional impermeable area created by the proposed aggregate recycling facility, the additional site and welfare offices, any surfacing to be provided beneath the crusher and screening plant and any surfacing provided to allow access to the crusher and screening plant. What is the increase in runoff rates created by these areas and how will runoff from these areas be drained?</p> <p>3. If no SuDS measures are proposed to intercept the surface water runoff from any additional impermeable area,</p>	

	<p>there will be a window of time where total runoff from the site is increased, prior to the excavation works beginning. How is this risk proposed to be mitigated?</p> <p>4. It remains unclear from the submitted documents how any surfacing to the east of the site entrance, and the new site offices and welfare facility will be drained, how this drainage will connect into the wider site drainage, and what impact this will have on the quality, volume and rate of discharge from the site.</p> <p>Unless the applicant is to be given the opportunity to provide further information addressing the above comments it is recommended that the application be refused.</p>	
Environment Agency	No objections	Section 6.13-6.20
Highways	No objections	Section 6.12

Other consultees

Consultee	Comment	Where in the report this is considered
Parish Council	<p>Cemex have confirmed that the original block plan was incorrect and they have now submitted a revised block plans in relation to the current planning applications clearly showing that the routing will continue as previously permitted i.e. arriving and leaving the site to the east along Riding Court Road. No HGVs will go via or towards Datchet.</p> <p>Subject to this being the case Datchet Parish Council have no objection to this application.</p>	Section 6.12
Berkshire Archaeology	No objection subject to conditions	Noted
	<p>1. We can accept that the aggregate operation on this site will likely result in a reduced runoff coefficient from those areas of the site where the sandy clay is excavated and the sand and gravel layer is exposed. However, we still require further information to address the flood risk through the lifecycle of the development and water quality issues.</p> <p>2. Can the developer quantify any additional impermeable area created by the proposed aggregate recycling facility, the additional site and welfare offices, any surfacing to be provided beneath the crusher and screening plant and any surfacing provided to allow access to the crusher and screening plant. What is the increase in runoff rates created by these areas and how will runoff from these areas be drained?</p> <p>3. If no SuDS measures are proposed to intercept the surface water runoff from any additional impermeable area, there will be a window of time where total runoff from the site is increased, prior to the excavation works beginning. How is this risk proposed to be mitigated?</p> <p>4. It remains unclear from the submitted documents how</p>	Section 6.18

	<p>any surfacing to the east of the site entrance, and the new site offices and welfare facility will be drained, how this drainage will connect into the wider site drainage, and what impact this will have on the quality, volume and rate of discharge from the site.</p> <p>Unless the applicant is to be given the opportunity to provide further information addressing the above comments it is recommended that the application be refused.</p>	
Environmental Protection	No objections subject to conditions	Conditions will reflect those on the extant permission ref: 15/02886/VAR where considered necessary for the temporary recycling facility

9. APPENDICES TO THIS REPORT

- Appendix A - Original location plan submitted with 15/02886/VAR
- Appendix B – Site location plan
- Appendix C – Proposed block plan
- Appendix D – Existing and proposed site elevations
- Appendix E - Mobile Plant side elevation

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 No works or development shall take place until an Arboricultural Method Statement and Tree Protection Plan specific to this scheme, has been submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement shall be written in accordance with, and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction - recommendations. Nothing shall be stored or placed in any area 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. Thereafter the works shall be carried out in accordance with the approved details until completion of the development.
Reason:To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 3 Works shall be carried in accordance with Soil Management Plan (SMP) approved under RBWM ref. 15/02871/CONDIT and 16/00913/CONDIT.
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).

- 4 The development shall be implemented in accordance with the requirements of the Written Scheme of Investigation (WSI) for a programme of archaeological work (The Guildhouse Consultancy, 15th May 2015) previously agreed with the Local Planning Authority in relation to Datchet Quarry under RBWM reference 15/03231/CONDIT. The condition shall not be discharged until the full programme of archaeological work has been fulfilled in accordance with the programme set out in the WSI unless otherwise agreed in writing with 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 and advice set out in the Berkshire Replacement Minerals Local Plan, the Waste Local Plan for Berkshire and advice in the NPPF and NPPW.
- 5 No development shall take place (including ground works or vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:a) Risk assessment of potentially damaging construction activities.b) Identification of "biodiversity protection zones".c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).d) The location and timing of sensitive works to avoid harm to biodiversity features.e) The times during construction when specialist ecologists need to be present on site to oversee works.f) Responsible persons and lines of communication.g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.h) Use of protective fences, exclusion barriers and warning signs.The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
Reason: In the interests of wildlife protection and ecology of 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.
- 6 Prior to any equipment, machinery or materials being brought onto the application site the subject of this permission, a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved 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.
- 7 Works shall be carried out in accordance with the Dust Management Plan (DMP) approved under RBWM ref. 15/02878/CONDIT and 16/00913/CONDIT.
Reason: To protect the amenities of the area and prevent dust nuisance and to accord the NPPF, NPPW and Planning Practice Guidance.
- 8 Prior to works commencing within the application site the subject of this permission, a 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.
- 9 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.

- 10 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.
- 11 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.
- 12 When considered in conjunction with planning permission 18/00840/VAR, the cumulative 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, when aggregate is being extracted and 315,000 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.
- 13 Traffic movements into and out of the site by heavy goods vehicles related to the development hereby approved shall be consistent with the vehicle movements set out at Table 6.3 (Proposed Daily Traffic Movements) and 6.4 (proposed AADT Movements) in the Beacon Transport Planning Assessment approved under RBWM ref: 18/00840/VAR.
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.
- 14 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.
- 15 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.
- 16 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, the updated Flood Risk Assessment and Drainage Strategy ref: 60601R5D1 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)

- 18 No lighting, including security lighting, shall be erected or installed within the site 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.

- 19 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.

- 20 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 those details approved under RBWM ref: 16/00913/CONDIT, 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.

21 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.

22 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 approved under planning application 13/01667/FUL. 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.

23 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.

24 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).

- 25 The site shall be restored in line with the restoration, landscape and management plans approved in relation to planning permission 18/00840/VAR, unless the Local Planning Authority has first agreed in writing to a variation on the approved details including timing .

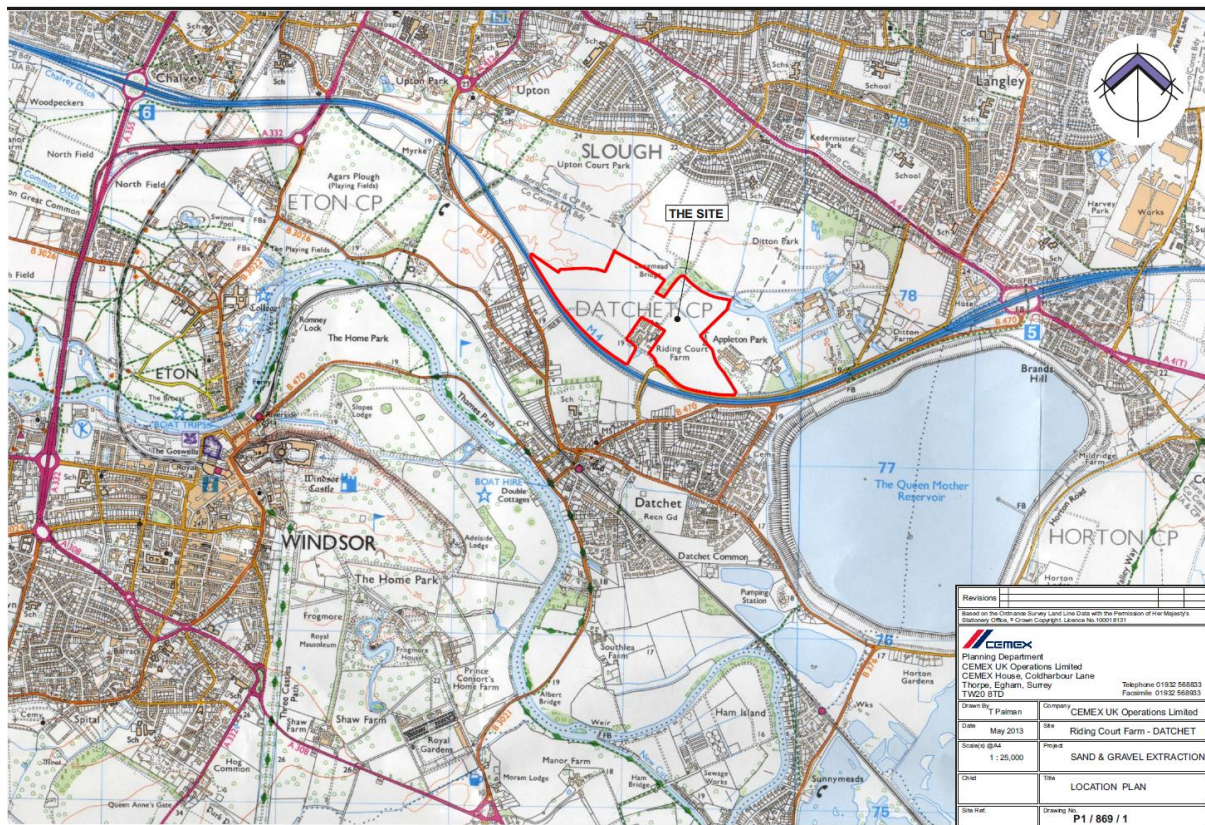
Reason: To ensure the satisfactory restoration of the site for agriculture / amenity / woodland. Relevant policies - the Berkshire Replacement Minerals Local Plan (Incorporating the Alterations Adopted in December 1997 and May 2001), the Waste Local Plan for Berkshire (adopted December 1998), and advice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

- 26 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.
- 27 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 .
- 28 No stockpiles of material shall exceed 8 metres in height from natural ground level (excluding 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
- 29 To accord with the schedule of work approved under planning permission 15/02886/VAR and updated by planning application 18/00840/VAR, the works the subject of this permission shall cease no later than 23 November 2026 to allow the land within the application site to be extracted and infilled as part of Phase 9 of the programme of works.
Reason: To accord with the terms of the permission
- 30 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.

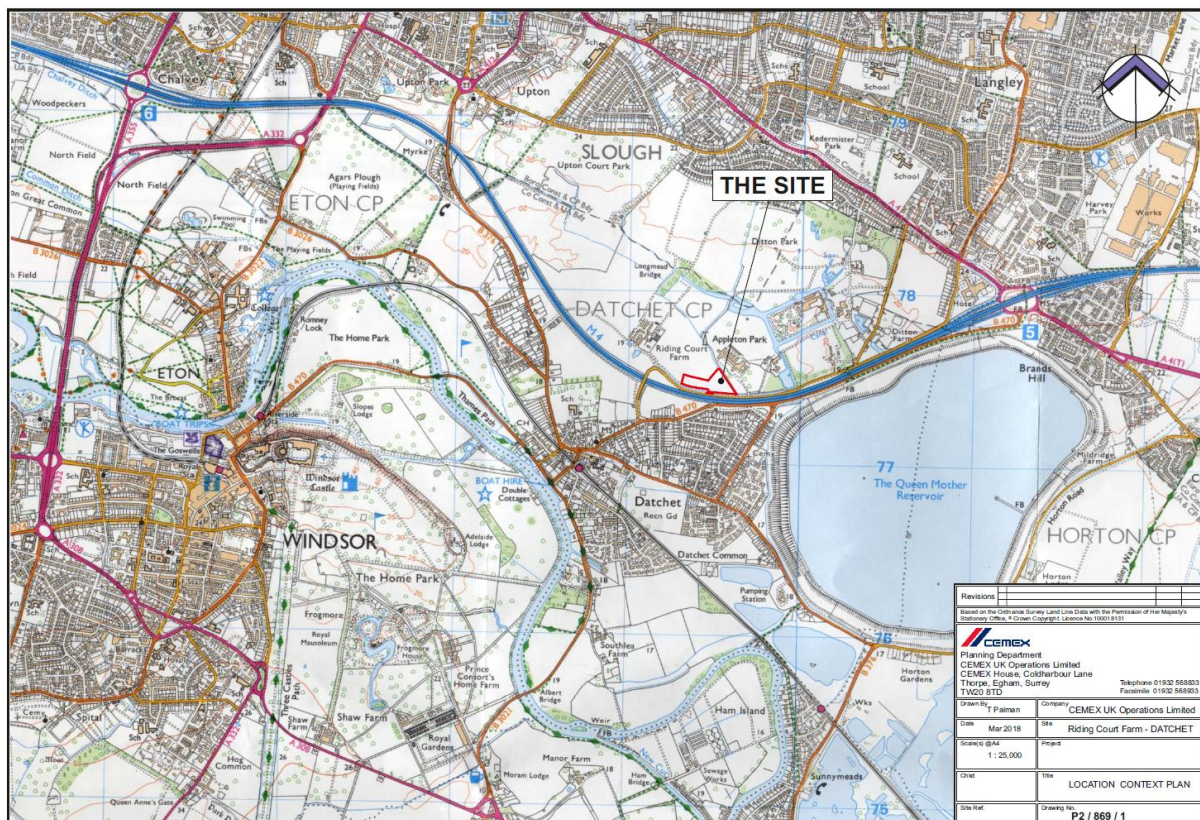
Informatives

- 1 The applicant's attention is drawn to conditions 2, 5, 6 and 8, which require approval prior to the commencement of development within the site.

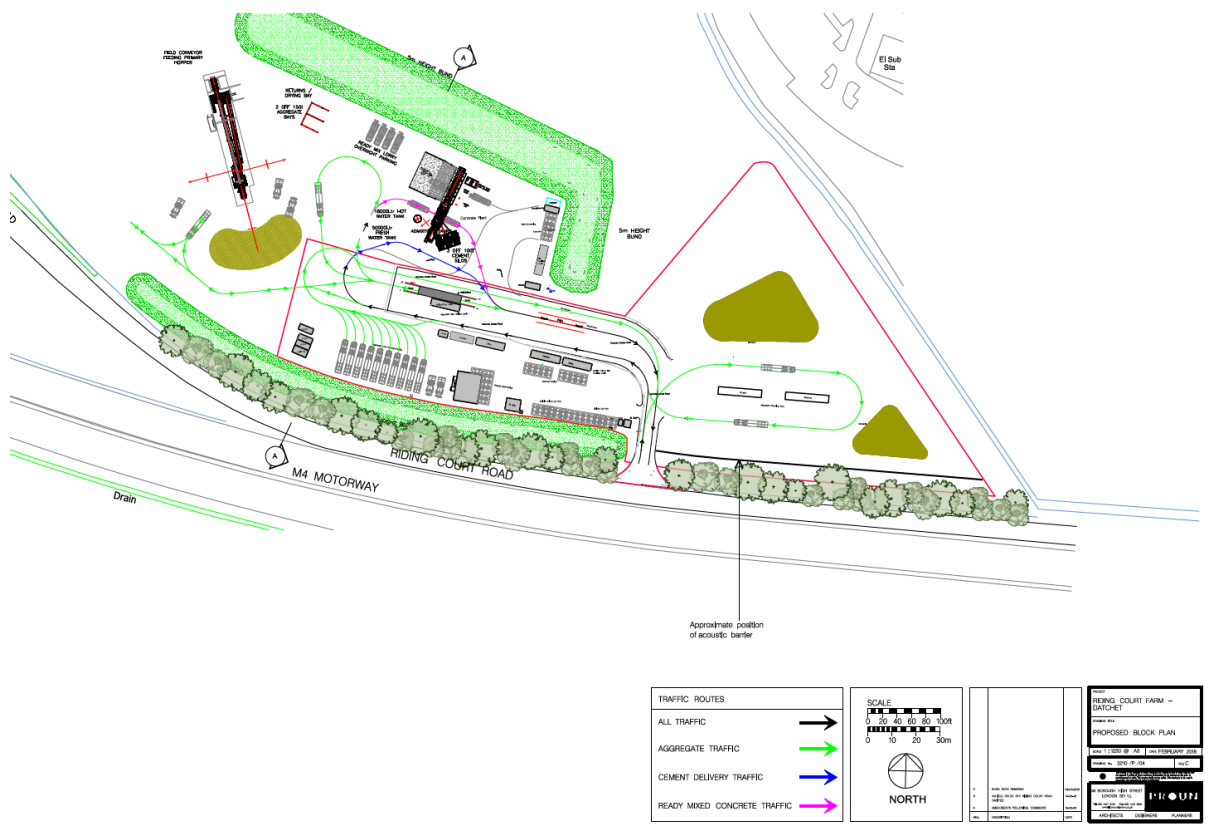
Appendix A - Original location plan submitted with 15/02886/VAR



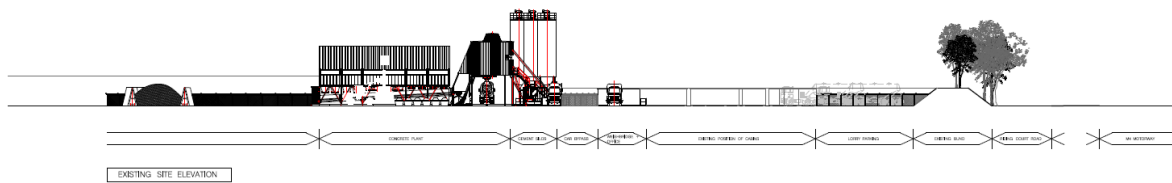
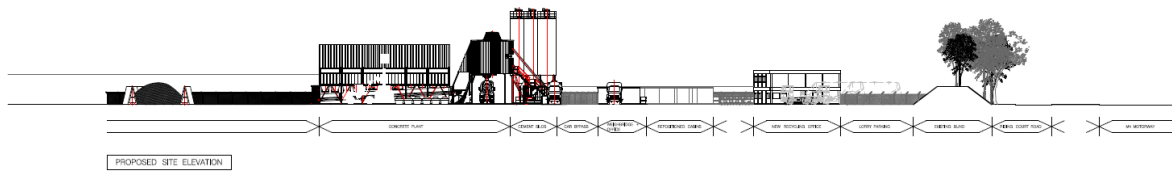
Appendix B – Site Location Plan



Appendix C – Proposed Block Plan

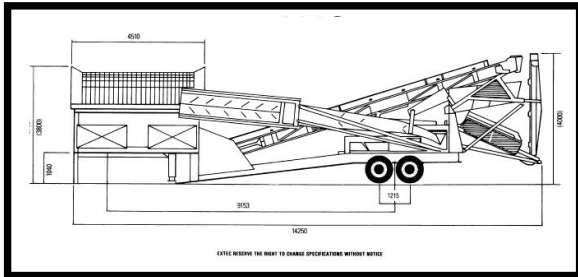


Appendix D – Existing and Proposed Site Elevation

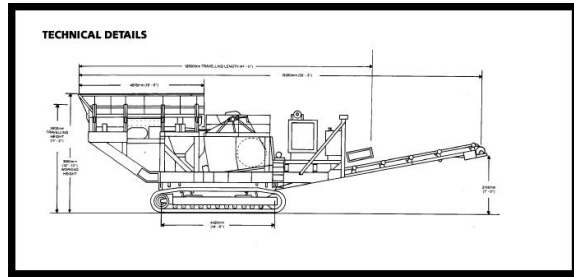


<p>SCALE</p> <p>0 5 10 15m</p> <p>0 10 20 30 40 50m</p>	<p>PROPOSED SITE ELEVATION</p>	<p>REBIO COURT FARM - MATCHET</p> <p>NO. 11</p> <p>EXISTING AND PROPOSED SITE ELEVATION</p> <p>DATE: 20/10/2023</p> <p>SCALE: 1:100</p> <p>PROJECT: REBIO COURT FARM - MATCHET</p> <p>CLIENT: REBIO COURT FARM - MATCHET</p> <p>DESIGNER: [Logo]</p>
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Appendix E – Mobile Plant Elevations



SCREEN



CRUSHER



CRUSHER

Revisions	
Based on the information supplied. Operator must comply with the permission of their Manager's. See Safety Office, A/Crusher Code of Practice, Licence No. 000118313	
 Planning Department CEMEX UK Operations Limited CEMEX House, Coldharbour Lane Thorpe, Egham, Surrey TW20 8TD Telephone: 01932 563833 Facsimile: 01932 563833	
Drawn By: T Palmer	Company: CEMEX UK Operations Limited
Date: Mar 2018	Site: DATCHET QUARRY
Scale: Not to scale	Project: AGGREGATE RECYCLING
Client: [Blank]	Title: MOBILE PLANT SIDE ELEVATIONS
Std. No: [Blank]	Drawing No: PZ/869/2

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

18 July 2018

Item: 2

Application No.:	18/00840/VAR
Location:	Cemex Datchet Quarry Riding Court Road Datchet Slough
Proposal:	Variation (under Section 73A) of planning approval 15/02886/VAR; Condition 18 (Export import tonnage) to revise the amounts of material leaving the site, infills to the site and aggregate extractions as set out in Appendix C of the accompanying Transport Statement, Condition 19 (Traffic movements) in order that the movements are in accordance with the vehicle movements set out in Table 6.3 (Proposed Daily Traffic Movements) and 6.4 (Proposed AADT Movements) in the accompanying Transport Statement and Condition 22 (External materials - buildings, structure) to substitute approved plans with amended plans.
Applicant:	Mr Kelly
Agent:	Mr James Brown
Parish/Ward:	Datchet Parish/Datchet Ward

If you have a question about this report, please contact: Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk

1. SUMMARY

- 1.1 Planning permission was granted in 2015 under planning application ref: 13/01667/FUL, for the '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'.
- 1.2 This permission was varied under planning application ref: 15/02886/VAR, to allow for an increased quantity of processed materials to be extracted from the site per year (condition 18). The increased export tonnage was from 350,000 to 400,000 tonnes per annum. (The infill to the site was not varied and remained at 215,000 tonnes per annum). The variation to the original planning permission was required as the figure of 350,000 tonnes was included in the original condition in error. This permission has been implemented and the quarry is fully operational.
- 1.3 Due to the concurrent full application, ref: 18/00039/FULL, for a temporary recycling aggregate facility in the corner of the site, permission is sought to amend various conditions attached to 15/02886/VAR (the implemented quarry application), namely condition 18 (quantity of exported and imported material from/to the site per annum), condition 19 (traffic movements into and out of the site) and condition 22 (details of buildings, structures and ancillary operational built features associated with the development). No other amendments are proposed to this permission.
- 1.4 The application has been accompanied by an Environmental Statement Addendum (ESA) in accordance with the EIA Regulations as being an amendment to a schedule 1 development.
- 1.5 No objections have been raised by the Highways Authority regarding the changes to the quantity of materials entering and leaving the site and to the amendments to traffic movements. No comments have been received by Slough Borough Council regarding impact on the Air Quality Management Area.
- 1.6 An extension of time until 23rd July has been agreed with the applicant in order to proactively address issues raised in the assessment of the application.

It is recommended the Panel authorises the Head of Planning:

1.	To grant planning permission on the satisfactory completion of a Deed of Variation to the existing section 106 agreement and with the conditions listed in Section 10 of this report.
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2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site, now operating as a quarry, comprises just under 44 hectares (ha) of former 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 permission has been granted 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'. The same land is also identified within the Berkshire Waste Local Plan (BWLP) as a Preferred Area 24 for waste treatment. 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 closest dwelling is 'Tree Tops' which is within the Riding Court Farm Complex. The site is north of Datchet where other nearby dwellings are. 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. 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
15/02886/VAR	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 as approved under planning permission 13/01667 without complying with condition 18 (export import tonnage) to re-word the condition.	Permitted 08.02.2016
15/04161/CONDIT	Details required by condition 14 (Local liaison group) of planning permission 13/01667/FULL	Refused 29.02.2016

16/00913/CONDIT	Details required by condition 3 (Tree Protection), 4 (Soil Management Plan), 7 (Invasive Species), 9 (Dust Management Plan), 14 (Local liaison group), 24 (Lighting Plan), 26 (Reversing Alarms) of planning permission 15/02886 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 as approved under planning permission 13/01667 without complying with condition 18 (export import tonnage) to re-word the condition	Part approved/Part refused 30.08.2016
18/00839/FULL	A temporary recycling aggregate operation and associated staff offices, welfare facilities and parking	Pending consideration

- 4.2 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 restoration. It allows for the replacement of the applicant's current extraction and ready mixed concrete production operations at Kingsmead Quarry. The plant and production area is sited within the south-eastern part of the site access from Riding Court Road. Extraction is to take 6 years, with restoration to take a further 6 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. This part of the operations would result in the importation of up to 2.24 million tonnes of inert waste as restoration material.
- 4.3 The proposals necessarily involve very significant heavy vehicular movements over the whole 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 vehicles (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 into the batching plant from other locations. The condition currently restricts output from the site to 400,000 tonnes per annum and infill to 215,000 per annum. The proposed variation to condition 18 is to allow for the infill to be decreased to 200,000 per annum and then increased to 315,000 tonnes per annum once the aggregate has ceased being extracted. This is to allow a greater importation of material in years 7-12 to reflect the infilling that has not taken place in years 2 and 3 and is also due to the aggregate recycling operation which will require a greater importation of material. The figures would ensure that HGV movements do not exceed the maximum previously permitted during other years.
- 4.4 Permission is also sought to vary condition 19 of 15/02886/VAR. The condition states that traffic movement into and out of the site by heavy goods vehicles shall be consistent with the Transport Assessment. The Traffic Assessment has been updated to reflect the proposed vehicular movements to allow for the changes in import and export.
- 4.5 Finally, permission is sought to vary condition 22 of 15/02886/VAR to reflect the new built development associated with the proposal.
- 4.6 All other aspects of the proposal remain the same as within the extant permission. The panel report therefore focusses on the proposed variation and any changes to policy or the site and surroundings since the extant permission was granted 3 years ago.

5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections:

- 1 – Building a strong competitive economy
- 3 - Supporting a prosperous rural economy
- 8 – Promoting Healthy Communities
- 9 – Protecting Green Belt Land
- 10 – Meeting the challenge of climate change, flooding and coastal change
- 13 – Facilitating the use of minerals

Royal Borough Local Plan

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

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

These policies can be found at

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Acceptable impact on River Thames corridor	SP4
Manages flood risk and waterways	NR1
Makes suitable provision for infrastructure	IF1

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more details in the assessment below.

Significant weight is to be accorded to Borough Local Plan Submission Version policies SP1, SP2, SP3, SP4, SL5 and IF1 in this case. Lesser weight should be accorded to Borough Local Plan Submission Version policy NR1 due to the extent and nature of objections raised to it by representations on the Borough Local Plan Submission Version. The above application is

considered to comply with the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded.

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

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

Emerging Joint Minerals and Waste Plan

RBWM together with Bracknell Forest Council, Reading Borough Council and Wokingham Borough Council are working collectively to produce a new Joint Minerals and Waste Plan (JMWP) for the period up to 2036.

[The Minerals Background Study, June 2017 \(Issues and Options\)](#)

This study states that when used locally, recycled aggregate can reduce the impact of transport and cut carbon emission and that the use of recycled and secondary aggregates can provide a more sustainable source of supply.

The Waste Background Study, June 2017 (Issues and Options)

Annex 3 of this document states that aggregate recycling activities (usually temporary operations) can also be located at mineral workings.

Draft Joint Minerals and Waste Plan

This plan is currently in draft form and is not yet published for consultation. It is due for public consultation at the end of the summer 2018.

Part of Datchet Quarry is listed in the emerging Joint Minerals and Waste Plan as a Waste Management Site for proposed aggregate recycling for the lifetime of the quarry. The Waste Management site covers the area of land in the south-east corner of the quarry site where the proposed recycling facility would be situated.

Supplementary planning documents

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

- The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 2004

More information on these documents can be found at:

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

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment – view at:
- RBWM Parking Strategy – view at:

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i EIA Regulations and matters for consideration
- ii Principle of development
- iii Impact on Character of the Area
- iv Impact on amenity
- v Traffic issues
- vi Air Quality
- vii Other material consideration

EIA Regulations

- 6.2 The original development (approved under ref: 13/01667/FULL) constituted EIA development under Schedule 1 of the EIA Regulations due to it comprising a mineral extraction activity of 25 hectares or larger. Thus an Environmental Statement (ES) was submitted with the application. Additional information was also submitted under an EIA Regulation 22 request. Taken together the ES and Regulation 22 submission that accompanied the application satisfactorily demonstrated that the cumulative impacts of the simultaneous operations at the site would be acceptable, subject to conditions. The earlier variation to condition 18, ref: 15/02886/VAR, was assessed on the basis of the original ES (given that this variation was only required due to an error in one of the conditions).
- 6.3 The current application proposes an amendment to a Schedule 1 EIA development and therefore must be accompanied by an ES. The LPA must determine whether the original ES is adequate to assess the significant effects of the development on the environment. In this case given the proposed changes to the amount of material being imported and exported from the site and the effect on vehicular movements, the LPA are of the view that the original ES is not adequate in this respect and must be updated. An Environmental Statement Addendum (ESA) has been submitted in support of this application to satisfy this requirement. The updates relate to transport and Air Quality (Traffic). Other topic matters covered by the original ES have not been updated. All relevant consultees were consulted on the ESA and an EIA site notice was displayed at the site in line with the EIA regulations. In submitting the ESA, the applicant has complied with the EIA Regulations. The main impacts of the development arising from the variations are assessed below.

Principle of Development

- 6.4 The principle of the use of the land for sand and gravel extraction was considered against the relevant policies in the Berkshire Minerals Plan, the Berkshire Waste Local Plan and the RBWM adopted Local Plan. As stated above, the application site consists of one larger area of land identified the Berkshire Minerals Plan (preferred area 11) for uses approved in the extant permission, along with a smaller area that is subject to a Historic Parks and Gardens designation.
- 6.5 The proposal to vary conditions 18, 19 and 22 of 15/02886/VAR due to the concurrent proposal for a recycling operation to be sited within the south-east corner of the site, would not alter the nature of the development such that it would no longer comply with the aims and objectives of the Minerals Plan and Waste Plan and site specific requirements for this preferred area.
- 6.6 It should be noted that the proposal for the recycling plant would accord with the aspirations within the emerging Joint Waste and Minerals Plan.
- 6.7 The impact on the Green Belt as a result of the proposed recycling facility will be assessed under the corresponding full application ref: 18/00839/FULL. This variation application would have no impact on the acceptability of the approved development within the Green Belt.

Impact on Character of the Area

- 6.8 The works to form the quarry have been carried out and works are continuing on site. The character of the site has therefore been altered as a result of the extant permission but this was found to be acceptable under the original permission. The impact on the character of the area as a result of the works to provide the temporary recycling facility will be assessed under the concurrent application ref: 18/00839/FULL.

Impact on Amenity

- 6.9 Impacts arising from the additional materials processing on the site and resultant changes to the amount of material being imported and exported from the site and changes in vehicular movements are not considered to materially affect residential amenity. The routing of HGV movements will remain the same, thus avoiding Datchet village (this is subject to condition 16 of

15/02886/VAR which will be repeated for the current application and controlled by s106 planning obligation).

Traffic Assessment

- 6.10 The Highways Authority has provided a thorough assessment of the traffic implication of the proposal. Firstly it is confirmed that there is no change to the hours of operation or to the routing of vehicles. The proposal would result in changes to the number of vehicular movements associated with the development and these are provided in the table below:

Permitted Movements [Application Number: 15/02886/FULL]										
	Year 1		Year 2-3		Year 4-6		Year 7-11		Year 12	
	In	Out	In	Out	In	Out	In	Out	In	Out
HGVs	68	68	95	95	95	27	27	27	27	27
Total Trips	94	94	123	123	123	123	29	29	29	29
Proposed Movements										
HGVs	68	68	68	68	95	95	47	47	42	42
Total Trips	94	94	94	94	134	134	58	58	42	42
Difference	0	0	-27	-29	+11	+11	+31	+31	+15	+15

- 6.11 The number of vehicle trips would differ from Year 2 as follows: Years 2-3 the total number of vehicular movements would decrease by 29, Years 4-6 the total number of vehicle trips would increase by 11, from Years 7-11 the proposed number of vehicle trips would increase by 31 and in Year 12, the proposed number of vehicular trips would increase by 15.
- 6.12 These increased trips especially during the latter stages of the development are not considered to be significant, given that the total number of trips would still fall materially below those permitted in years 2-6 under the extant permission. As stated above the routing restriction for operational vehicles remains unchanged. Therefore, those residing or commuting to the west of Riding Court are unlikely to notice an appreciable difference in vehicular activity on the local highway network.

Air Quality

- 6.13 Given that the routing restrictions would remain the same and that the increase in vehicle trips from years 4 – 12 is insignificant and that no objection has been received from Slough Borough Council regarding impact on the Air Quality Management Area, no objections are raised in this regard.

7. SECTION 106 PLANNING OBLIGATION

- 7.1 The section 106 obligation completed for the original permission secured highways routing and works, the amalgamation of the restored parkland back into 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. A Deed of Variation will need to be entered into as a result of this current permission.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

621 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application as EIA development at the site on 01.05.2018 and the application was advertised in the Maidenhead & Windsor Advertiser on 24.05.2018.

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

Comment		Where in the report this is considered
1.	Objection if any of the extra traffic movements would pass through the village of Datchet. It would have an adverse effect on the conservation area, education and air pollution. It would also add to the traffic congestion in the village.	Sections 6.6 - 6.10

Statutory consultees

Consultee	Comment	Where in the report this is considered
Natural England	Natural England currently has no comment to make on the variation of Conditions 18, 19, and 22. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.	Noted
Environment Agency	No comment.	Noted
Lead Local Flood Authority	We have no objection to the proposed variation of planning Conditions 18, 19 and 22.	Noted
Highways Authority	I can confirm that the proposed variation to conditions 18 relating to application number 15/02886/VAR and condition 19 relating to application number 13/01667/FULL raises no highway concerns.	Section 6.9-6.12

Other consultees

Consultee	Comment	Where in the report this is considered
Datchet Parish Council	Further to our email on 11 th April, our councillors have met with a representative from Cemex regarding the two way traffic situation in and out of the site. Cemex have confirmed that the original block plan was incorrect and they have now submitted a revised block plans in relation to the current planning applications clearly showing that the routing will continue as previously permitted i.e. arriving and leaving the site to the east along Riding Court Road. No HGVs will go via or towards Datchet. Subject to this being the case Datchet Parish Council have no objection to this application.	Sections 6.6 - 6.10
Slough Borough Council	No comments	Noted
Trees	There are no objections to the addition of the recycling office.	Noted

Environmental Protection	No objection	Noted
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9. APPENDICES TO THIS REPORT

- Appendix A – Original location plan submitted with 15/02886/VAR
- Appendix B – Proposed block plan
- Appendix C – Existing and Proposed Site Elevation

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 Details of the measures to protect, during construction, the trees and hedges to be retained shall accord with those details approved under RBWM ref. 15/02870/CONDIT and 16/00913/CONDIT. 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 Works shall be carried out in accordance with the Soil Management Plan (SMP) approved under RBWM ref: 15/02871/CONDIT and 16/00913/CONDIT. 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 The scheme for the eradication of invasive species shall accord with those details approved under RBWM ref. 15/02871/CONDIT and 16/00913/CONDIT. 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 The Dust Management Plan (DMP) approved under RBWM ref. 15/02878/CONDIT and 16/00913/CONDIT shall be continue to be implemented as approved.

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 Works shall continue to be carried out in accordance with Local Liaison Group Scheme approved under RBWM ref: 16/00913/CONDIT 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, including that generated from the approved recycling facility (planning permission 18/00839/FULL) shall not exceed 400,000 tonnes per annum and infill to the site shall not exceed 215,000 tonnes per annum, when aggregate is being extracted and 315,000 tonnes per annum thereafter.
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 6.3 (Proposed Daily Traffic Movements) and 6.4 (proposed AADT Movements) in the Beacon Transport Planning Assessment.
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 as updated by approved drawing no. S210/P/02 Rev C and P2/869/2 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, the updated Flood Risk Assessment and Drainage Strategy ref: 60601R5D1 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 Lighting within the shall accord with the scheme approved under RBWM ref: 16/00913/CONDIT.

The lighting shall 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 those details approved under RBWM ref: 16/00913/CONDIT, 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 Polices GB1and 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 make 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.

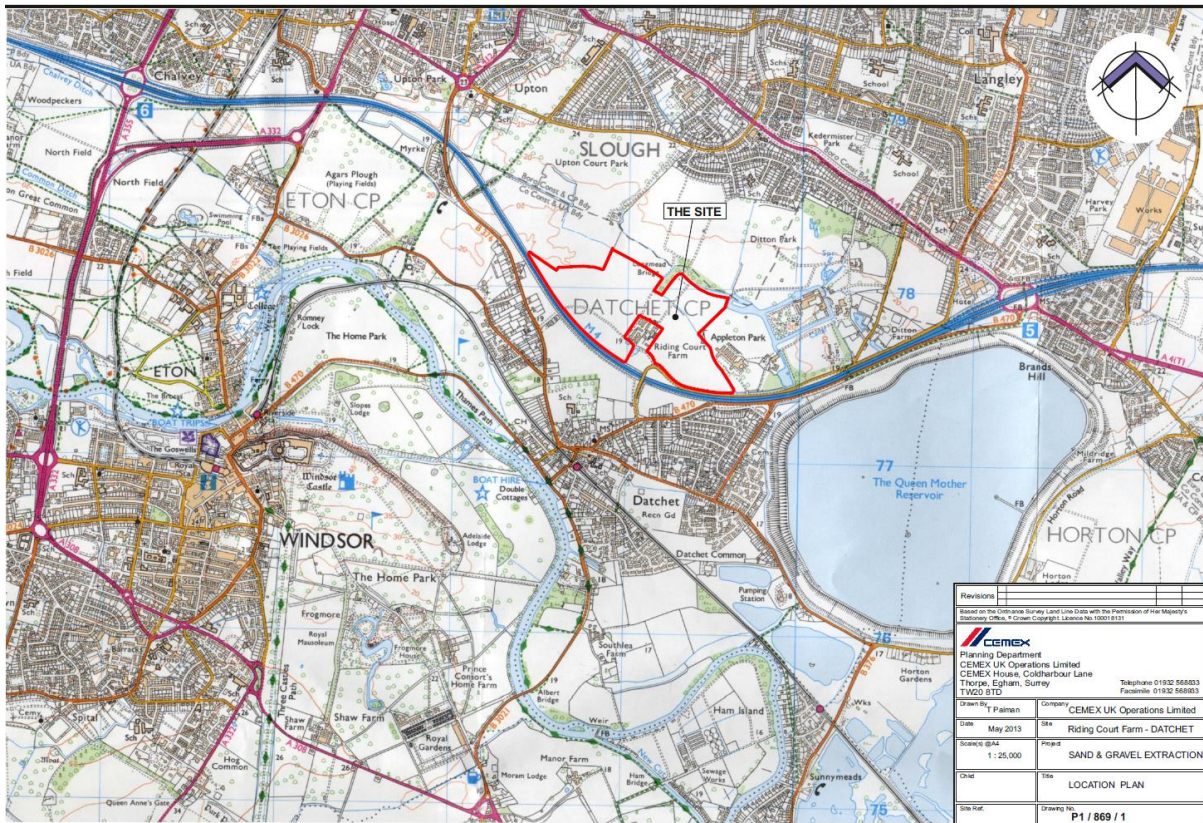
- 45 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

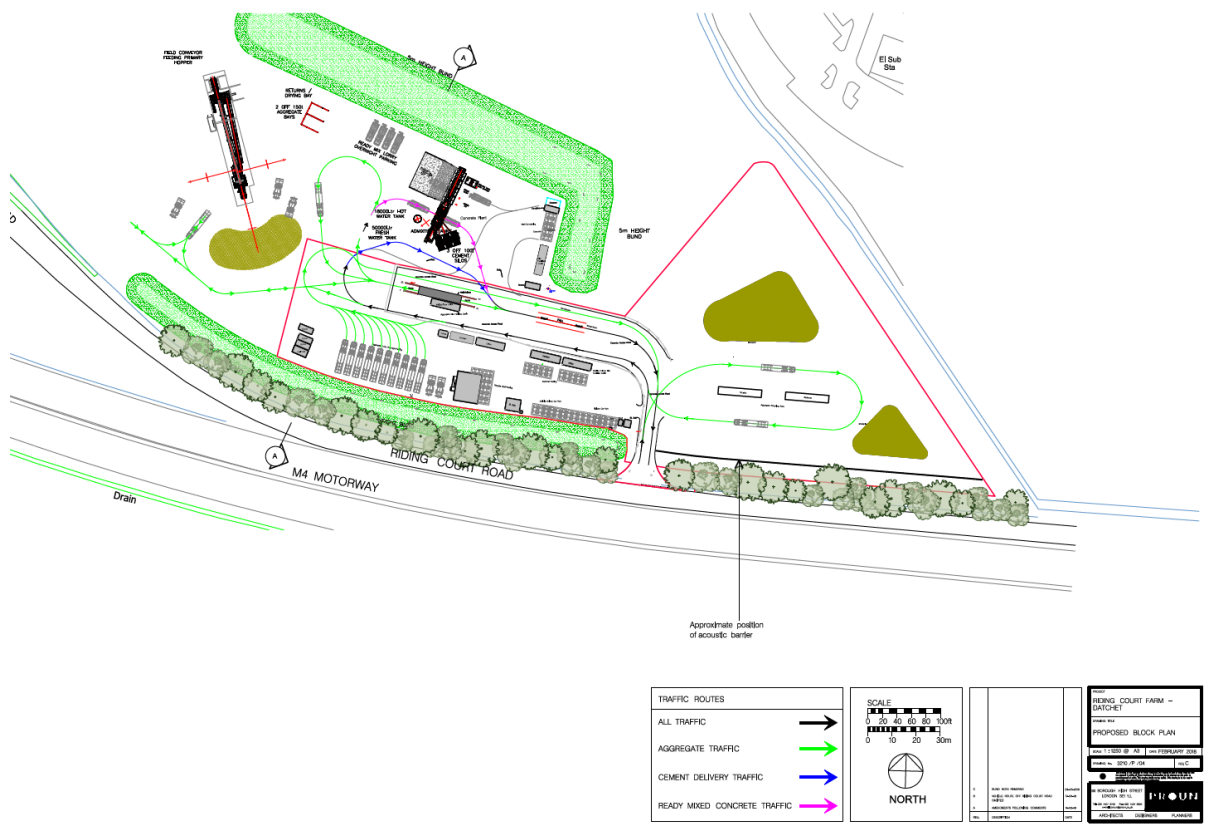
Informatives

- 1 The applicant is advised that details relating to condition 8 and 11 are outstanding and must be submitted to the Local Planning Authority to avoid Enforcement Action being taken.

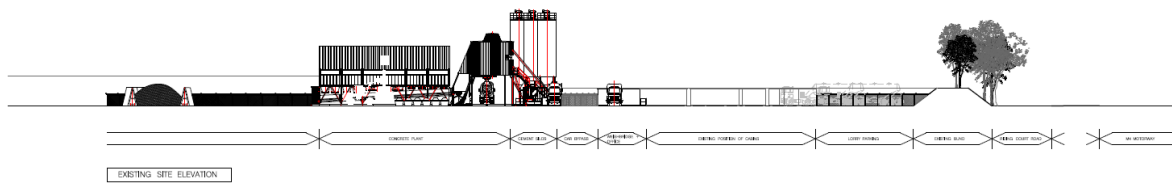
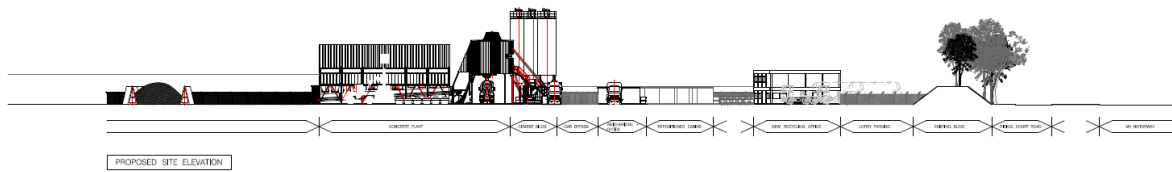
Appendix A - Original location plan submitted with 15/02886/VAR



Appendix B – Proposed Block Plan



Appendix C – Existing and Proposed Site Elevation



<p>SCALE</p> <p>0 5 10 15m</p> <p>0 10 20 30 40 50m</p>	<p>1:1</p> <p>1:1</p>	<p>REINO COURT FARM -</p> <p>ATCHET</p> <p>NO. 1</p> <p>EXISTING AND PROPOSED</p> <p>SITE ELEVATION</p> <p>DATE: 10/10/2018</p> <p>SCALE: 1:1</p> <p>PROJECT: REINO COURT FARM -</p> <p>NO. 1</p> <p>1:1</p> <p>1:1</p>
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WINDSOR URBAN DEVELOPMENT CONTROL PANEL

18 July 2018

Item: 3

Application No.:	18/00196/FULL
Location:	Smiths Lawn Windsor Great Park Windsor
Proposal:	Realignment of existing road and extensions to existing polo fields with associated levelling works
Applicant:	
Agent:	Mr Paul Dickinson
Parish/Ward:	Old Windsor Parish/Old Windsor Ward

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

1. SUMMARY

- 1.1 This application is for the realignment of the existing road (Prince Consort Drive) and extensions to existing polo fields and levelling works. It is considered that this is appropriate development in the Green Belt and furthermore there would be no harm to the openness of the Green Belt or the purposes of including land in it. The proposal includes levelling of the new polo fields by localised cut and fill operations – with no importation or exportation of material.
- 1.2 The proposals straddle the administrative boundaries of RBWM and Runnymede Borough Council and an application has been submitted to both authorities.

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

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is within the grounds of Windsor Great Park which is a registered Historic Park and Garden. The Prince Consort's Statue (Grade II listed), is adjacent to the western boundary of the application site.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application proposes the extension and levelling of existing Polo fields, the realignment of the existing road (Prince Consort Drive) to provide a total of 4 Polo pitches.

History

16/01256/FULL - Extension to ground No 3. and construction of replacement access road. Permitted 30th August 2016.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 7 (Requiring good design), Section 8 (Protecting Healthy Communities), Section 9 (Protecting the Green Belt), Section 11 (Conserving and enhancing the natural environment).

Royal Borough Local Plan

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

Green Belt GB1, GB2 A)	Highways and Parking P4, T5	Trees and landscape N6, HG1, N1	Heritage CA2, LB2
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These policies can be found at

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Historic Environment	HE1
Trees Woodlands and Hedgerows	NR2
Nature Conservation	NR3

5.3 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more details in the assessment below.

5.4 Significant weight is to be accorded to Borough Local Plan Submission Version policies listed in the table above, in this case. The above application is considered to comply with the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded.

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Other Local Strategies or Publications

5.5 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:
- i Impact on the Green Belt and Character of the Area.
 - ii Impact on the Historic Park
 - iii Archaeology
 - iv Impact on the SSSI, Trees, Ecology
 - v Drainage considerations
 - vi Highway and parking considerations

i Impact on the Green Belt and Character of the Area.

- 6.2 This application proposes the extension of existing polo pitches and realignment of the road (Prince Consorts Drive) and releveling works. The RBWM boundary runs through the site. The eastern end of the polo pitch lies within Runnymede Borough Council.
- 6.3 There would be no change of use of land within RBWM and the engineering works (releveling, new drainage and new access road) would not harm the openness of the Green Belt and would not conflict with the purpose of including land in Green Belt. The development is considered to be appropriate development in the Green Belt and there is no conflict with the NPPF – paragraph 89, or policies GB1, GB2 of the Local Plan.
- 6.4 The proposed releveling involves cut and fill with no importation or exportation of soil, to or from the site. The majority of the work involves minor changes of level between 0-1 metre compared to existing levels. Levels would be raised by up to 1.5 m only in a few isolated locations e.g. in the southwest corner of Ground No 4 and between Grounds Nos 5 and 8. Levels would be reduced between 1.5 to 2 metres along the western edge of Ground 8 and would be less elsewhere. Given the overall area of the site within the context of an open grassed area of Smith's Lawn, it is considered that the changes in level are not visually significant.
- 6.5 The proposal to re-align Prince Consort Drive would involve replacing a 1.23 km section of road with a re-aligned section of road about 1.28km. It is considered that the additional area of road would not have a material impact on the openness and character of the Green Belt within the context of Smith's Lawn. The applicant advises that the re-aligned road would be similar in construction to the existing Prince Consort Drive. It would run along the edges of Smith's Lawn sitting flush to the ground level with no raised kerbs or lighting - this would help to maintain the informal and open character of the area.
- 6.6 The site is within an Area of Special Landscape Interest. It is considered that the proposal would comply with Local Plan Policy N1 in terms of retaining long range views, retention of trees and hedgerows and impact on ecology (with the boundary of RBWM).

ii Impact on the Historic Park

- 6.7 It is considered that the proposed development would not adversely affect the Historic Park nor affect the setting of the Grade II Listed Prince Consort Statue. The new roadway would be closer to the statue than the existing road (by approximately 60 metres), but no closer to the statue than the existing horse track which is within 10 metres of the statue. The other new roadway between grounds No3 and No4, was partly approved under the previous application 16/01256 and will be extended under this current proposal to meet the new main roadway. The proposal is considered to comply with Local Plan Policy HG1 and LB2. The Council's Conservation Officer has raised no objection. Historic England has advised that it does not wish to offer any comments but suggesting that the LPA seeks the views of the Council's specialist conservation and archaeology advisers.

- 6.8 The Council has, in considering this planning application, had special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, as required under Section 66(1) and 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

iii Archaeology

- 6.9 The applicants have carried out a geophysical survey of the site. The survey revealed that there is a geophysical anomaly of potential archaeological significance in the north of the site. It seems to pre-date 19th- and 20th-century features and does not correspond to any feature shown on historic mapping. It is therefore potentially of an ancient origin. It is recommended that this anomaly, a possible enclosure, is investigated by exploratory trenching so that its date, origin and significance can be understood.
- 6.10 The Council's Archaeology Consultant has suggested a condition as follows:
“No development shall take place until the applicant has 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.”
- 6.11 This is in accordance with Paragraph 141 of the NPPF which states that local planning authorities should *‘require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible’*. The programme of archaeological work should commence with a field evaluation which is likely to take the form of exploratory trial trenching, investigating both the possible enclosure (D1) identified by geophysical survey and other areas of the development where further archaeological features may survive that have not shown up in the survey. The results of this exploratory exercise will enable an appropriate mitigation strategy to be devised and agreed, which may include the preservation of remains *in situ*, further archaeological investigation prior to development and monitoring during earthmoving. The mitigation strategy will also provide for the analysis and reporting of the results and the condition may not be fully discharged until these elements have been fulfilled in accordance with the agreed strategy. Condition 3 is recommended to secure these works.
- 6.12 The Council's Archaeology consultant has pointed out that the written Scheme of Investigation will need to be acceptable to both Berkshire Archaeology and Surrey Heritage Conservation Team.

iv Impact on the SSSI, Trees, Ecology

- 6.13 Part of the site (north west corner) is within an SSSI whilst the remainder of the application site is adjacent to the SSSI. Natural England, has raised no objection suggesting a condition is imposed to secure appropriate mitigation. They advise without appropriate mitigation the application would damage or destroy the interests or features within Windsor Forest and Great Park of Special Scientific interest (SSSI). They advise that in order to mitigate these effects and make the development acceptable, the following mitigation measures are required to avoid impacts such as pollution, dust, disturbance etc.

-No pollution from demolition or construction of the development must adversely affect the SSSI and a Construction Method Statement demonstrating how best practice will be used to minimise dust etc; must be submitted to and approved in writing by the LPA .

-All those involved should be informed of the status and legal obligation attached to the designation and where the boundary of the protected site is;

-No materials, machinery or work shall encroach onto the SSSI either before, during or after demolition, construction or ongoing use.

- 6.14 In line with Natural England suggestions, condition 4 is recommended to be attached to the permission to secure these measures.

- 6.15 The Council's Ecologist has raised no objection to the works within RBWM's boundary, but also advises that a Construction Method Statement is required.
- 6.16 The applicant has submitted an additional plan DS 14091 501.05 (25/4/2018) showing in more detail and at larger scale a section of the new roadway in relation to trees. The Council's Tree Officer has raised no objection to the proposals within the boundary of RBWM. It is noted that no trees within the boundary of RBWM are to be removed. Trees within the Ancient Woodland fall within Runnymede Borough. Condition 5 is recommended if permission is granted to ensure that works do not cause harm to trees.

v Drainage considerations

- 6.17 The application proposes to install a new drainage under the polo fields, through a series of lateral pipes and drains. The Environment Agency was consulted on the application but advised that they do not need to comment on such applications. The Lead Local Flood Authority was also consulted and raises no objection.

vi Highway and parking considerations

- 6.18 The Highway Officer has commented on the proposal. The application proposes to realign an internal site road, Princes Consort Drive, in order to accommodate additional polo fields. In addition, an internal link from Princes Consort Drive to an existing parking area is proposed, providing internal site permeability.
- 6.19 Princes Court Drive is a well established internal road and is also located a significant distance from the local highway network. Therefore, any impact to the local highway network is anticipated to be minimal. However, it has been noted that due to the scale of the road and polo field construction, there may be high levels of construction vehicles attending site. Therefore, a construction management plan must be provided.
- 6.20 The application does not include any alterations to existing parking arrangements. Although the additional polo fields are likely to increase parking demand, however the site is located a significant distance from the local highway network. Therefore, the risk of on-street over spill parking is considered to be low.
- 6.21 The proposed additional polo fields are likely to increase the number of vehicle trips generated from the site. However, the numbers of such are not anticipated to be significant. The Highway Officer has recommended that a condition is imposed to secure a construction management plan is submitted prior to the commencement. (See Condition 2 in Section 9 below)
- 6.22 The Council's Rights of Way Officer has raised no objection and advises that there are no public rights of way in the vicinity of the application site.

7. Comments from interested parties

- 7.1 No occupiers were notified directly of the application.
- 7.2 The planning officer posted a notice advertising the application at the site on 31 January 2018.x and the application was advertised in the Maidenhead Advertiser on the 1st February 2018.
- 7.3 No letters of objection or support were received.

7.4 Statutory consultees

Consultee	Comment	Where in the report this is considered
Highway Authority	No objection raised. A condition to secure a construction management plan is recommended.	Paragraph 6.18-6.22 and see

		Condition 2 in Section 9.
Historic England	No comments.	Paragraph 6.7
Natural England	No objection – condition suggested to secure a Construction Method Statement.	Paragraph 6.13-6.14. See Condition 4 in Section 9 below.

7.5 Other consultees

Consultee	Comment	Where in the report this is considered
Old Windsor Parish Council	No objection	Noted
Archaeology Consultants	A condition is required to secure the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation.	Noted. Condition to be included see Section 10 below.
Conservation Officer	No objection.	Paragraph 6.7
Councils Ecologist	No objection.	Paragraph 6.15
Tree Officer	No objection	Paragraph 6.16 and see Condition 5 in Section 9 below.

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – plans and sections

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 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 the applicant has secured the implementation of a programme of archaeological work which has been submitted to and approved by the Local Planning Authority. The programme of archaeological work should commence with a field evaluation which is likely to take the form of exploratory trial trenching, investigating both the possible enclosure (D1) identified by geophysical survey and other areas of the development where further archaeological features may survive that have not shown up in the survey. The results of this exploratory exercise will enable an appropriate mitigation strategy to be devised and agreed, which may include the preservation of remains in situ, further archaeological

investigation prior to development and monitoring during earthmoving. The mitigation strategy will also provide for the analysis and reporting of the results and the condition may not be fully discharged until these elements have been fulfilled in accordance with the agreed strategy.

Reason: This is in accordance with Paragraph 141 of the NPPF which states that local planning authorities should 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'.

- 4 Prior to the commencement of development, a Construction Method Statement shall be submitted and approved in writing by the Local Planning Authority. The Construction Method Statement shall provide appropriate mitigation measures to avoid and prevent damage and harm to the interests or features for which Windsor Forest and Great Park of Site of Special Scientific interest (SSSI) has been notified, through pollution, dust, disturbance etc. No pollution from demolition or construction of the development must adversely affect the SSSI. All those involved in the works shall be informed of the status and legal obligation attached to the designation and where the boundary of the protected site is. No materials, machinery or work shall encroach onto the SSSI either before, during or after demolition, construction or ongoing use.

Reason: To protect the interests and features of the Site of Special Scientific interest (SSSI). Relevant Policies - Local Plan N8.

- 5 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to 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. 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 written approval of the Local Planning Authority.

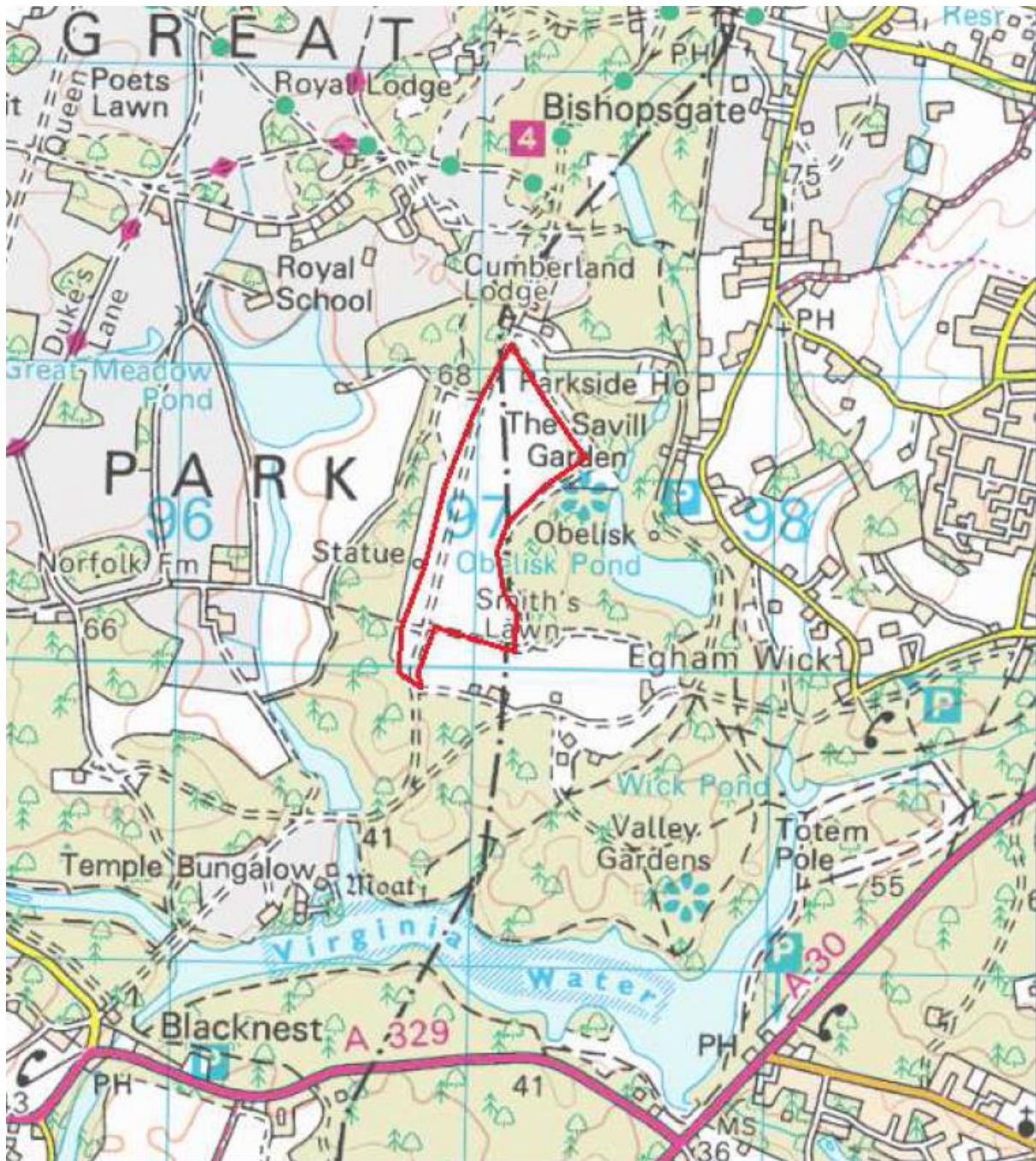
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

- 6 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.

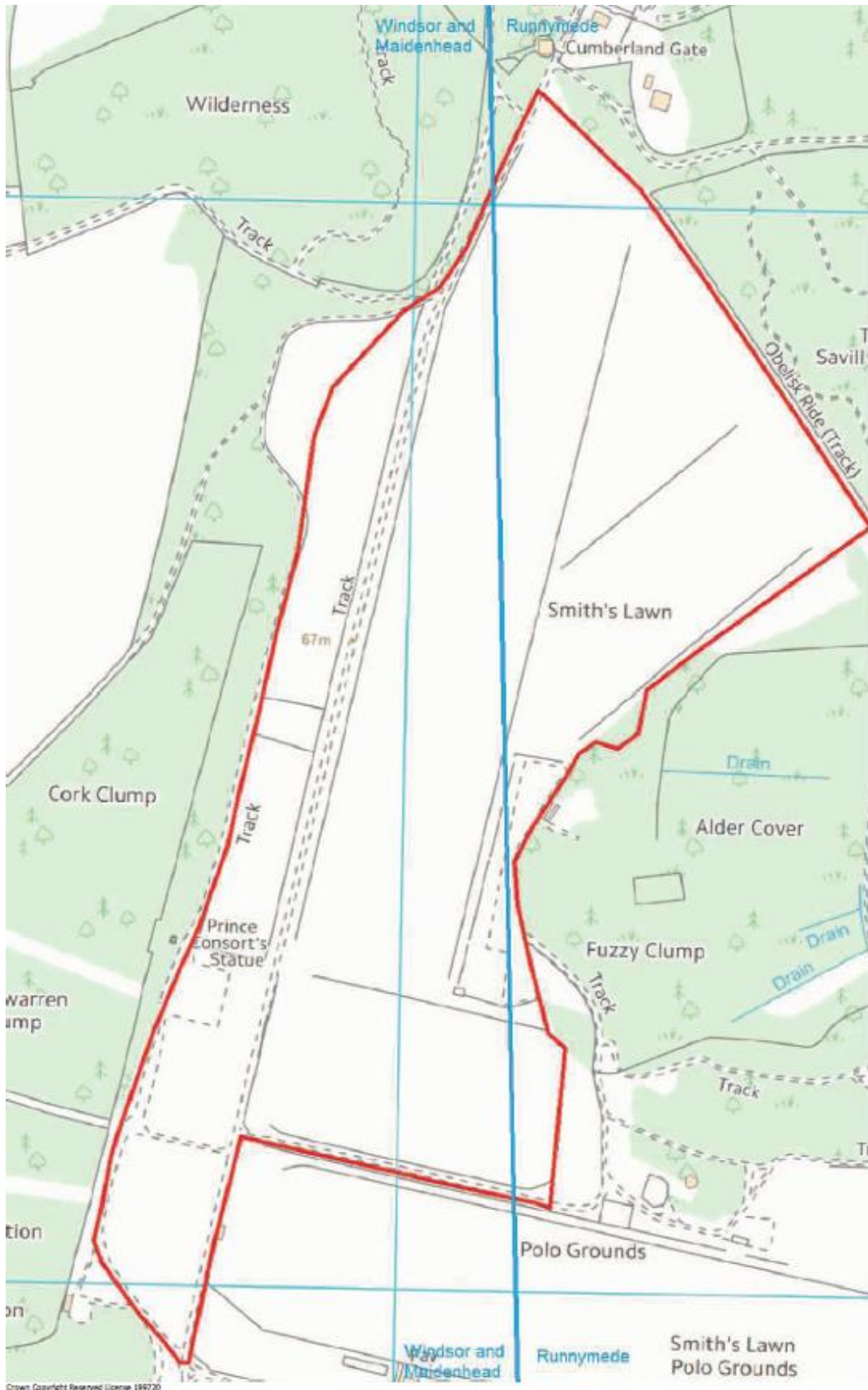
APPENDIX A

18/00196/FULL – Smiths Lawn, Windsor Great Park, Windsor



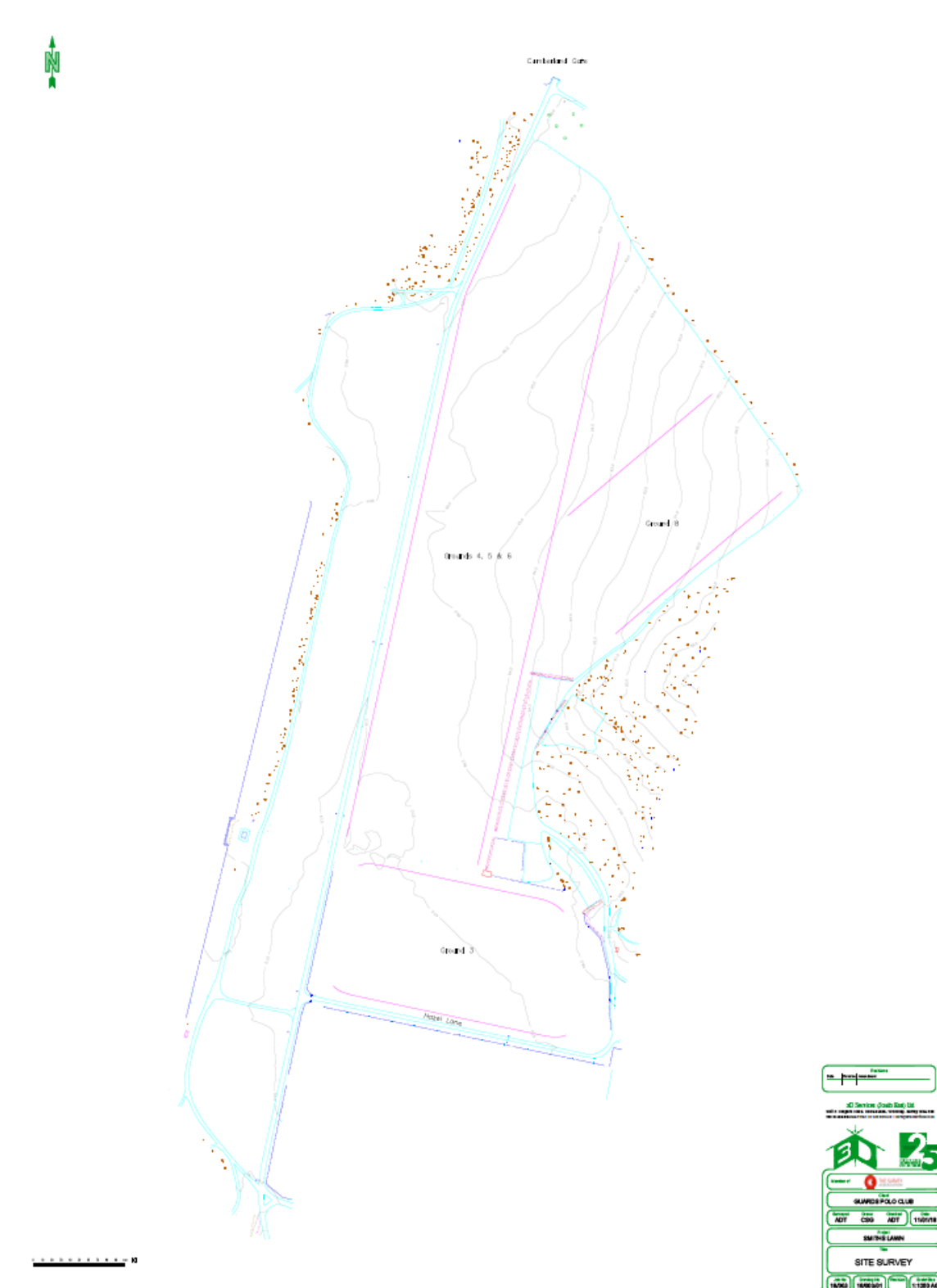
APPENDIX A

18/00196/FULL – Smiths Lawn, Windsor Great Park, Windsor



APPENDIX B

18/00196/FULL – Smiths Lawn, Windsor Great Park, Windsor



EXISTING – SITE SURVEY

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

18 July 2018

Item: 4

Application No.:	18/00608/VAR
Location:	Vale Property Developments Ltd Vale House 100 Vale Road Windsor SL4 5JL
Proposal:	Variation of condition (19) (under Section 73A) to substitute approved plan with amended plan for the erection of 14 dwellings (4x 2-bed; 4x 3-bed and; 6x 4-bed) and 6 detached garages with associated parking and landscaping following the demolition of existing commercial building approved under planning permission 16/02737/FULL.
Applicant:	Mrs Radford
Agent:	Mr Charles McClimont
Parish/Ward:	Windsor Unparished/Clewer North Ward
If you have a question about this report, please contact: Briony Franklin on 01628 796007 or at briony.franklin@rbwm.gov.uk	

1. SUMMARY

- 1.1 This is a section 73 variation application which seeks to vary condition 19 attached to planning permission 16/02737/FULL which relates to approved plans on the original permission, so that new plans can be approved.
- 1.2 As this is a section 73 application, the principle of the development cannot be considered. However consideration can be given to matters that arise from the proposed changes compared to the previously approved plans.
- 1.3 In this case the changes relate primarily to the fenestration detail on the proposed dwellings to enable some internal layout changes. The size and habitable accommodation provided in each of the House Types remains unchanged from the consented scheme.
- 1.4 An extension of time until 30th July has been agreed with the applicant in order to proactively address issues raised in the assessment of the application.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission on the satisfactory completion of a Deed of Variation to secure the obligations as set out in the legal agreement for the original permission and subject to the conditions set out in Section 11 of this report
2.	To refuse planning permission under delegated powers if a Deed of Variation for the existing undertaking is not completed by 30th July 2018, or a later date as agreed with the applicant

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site lies on the eastern side of Vale Road and formerly comprised a two storey commercial building with car parking at the front and rear of the site. The building has now been demolished and the site cleared. The area is characterised by a mix of housing types including flats, semi-detached and terraced dwellings. There are also commercial premises and a medical centre located to the south of the site.

3.2 The site lies within Flood zones 2 & 3.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 Section 73 of the Town and Country Planning Act (as amended) (this variation application) specifically excludes the reconsideration of issues other than those covered by condition 19, the subject of this application.

This application seeks some minor amendments to the approved dwellings which are listed as follows:

House Type A (Plots 2,3,4,5)	The incorporation of sliding/folding doors on the rear elevation.
House Type B (Plots 1 & 7-9)	The incorporation of sliding/folding doors on the rear elevation and the addition of a first floor, obscure glazed bathroom window in the RH (side) elevation to enable a change in the first floor layout. The number of bedrooms remains the same.
House Type C (Plots 10,11 & 12)	The incorporation of sliding/folding doors on the rear elevation.
House Type D (Plots 13 & 14)	The incorporation of sliding/folding doors on the rear elevation. Alterations to the window pattern at second floor level on the rear elevation. Alterations to the window patterns and layout on the side elevations. A first floor obscure glazed bathroom window in the LH (side) elevation has been changed to a clear glazed landing window. The revisions to the fenestration are required to enable a change in the internal layout to include the relocation of the staircase. The number of bedrooms has also increased from 4 to 5. The contrasting brick colour around the bay windows and door on the front elevation has been altered to match the colour of the rest of the brickwork.
House Type E (Plot 6)	The addition of a first floor bathroom window in the RH (side) elevation. The contrasting brick colour around the bay windows and door on the front elevation has been altered to match the colour of the rest of the brickwork.

No other amendments are sought to the scheme and the rest of the scheme including its layout remain unchanged.

The relevant planning history relating to the site is set out below:

Reference	Description	Decision and Date
14/00761/FULL	Erection of 14 dwellings (4x 2-bed; 4x 3-bed and; 6x 4-bed) and 6 detached garages with associated parking and landscaping following the demolition of existing commercial building.	Refused under delegated powers, 11.06.2014.
14/02975/FULL	Erection of 14 dwellings (4x 2-bed; 4x 3-bed and; 6x 4-bed) and 6 detached garages with associated parking and landscaping following the demolition of existing commercial building.	Permitted, 19.12.2014 and subject to a S106 Agreement
15/01123/FULL	Erection of 14 dwellings (4x 2-bed; 4x 3-bed and; 6x 4-bed) and 6 detached garages with associated parking and landscaping following the demolition of existing commercial building.	Refused, 18.09.2015; subsequently dismissed at appeal.

15/03071/CONDIT	Details required by condition 2 (Biodiversity strategy) 3 (Construction Management Plan [CMP]) 4 (Arboricultural method statement) and 6 (Phase 1 remediation) of planning permission 14/02975/FULL.	Part approval / part refusal 29.01.2016; CMP (demolition phase only) and (Phase 1 remediation only) were approved.
16/02084/CONDIT	Details required by condition 2 (Ecological Mitigation Plan), 4 (Arboricultural Impact Assessment), 5 (Flood Evacuation Plan) of planning permission 14/02975.	Part approval / part refusal 12.09.2016;
16/02737/FULL	Erection of 14 dwellings (4 x 2 bed; 4 x 3 bed and 6 x bed) and 6 detached garages with associated parking and landscaping following the demolition of existing commercial building.	Permitted and subject to a Deed of Variation.
18/00435/CONDIT	Details required by condition 4, 7, 8, 9, 10, 11 and 12 of planning permission 16/02737/FULL	Pending Consideration
18/00688/CONDIT	Details required by condition 6 of planning permission 16/02737/FULL	Approved
18/01322/NMA	Non-material amendment to planning permission 16/02737/FULL to amend wording of condition 7 to delete reference to soakaways and swales.	Permitted

5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Section
1. 7 (Requiring good design),

5.2 Royal Borough Local Plan

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

Within settlement area	Highways and car parking
DG1, H10, H11	P4

These policies can be found at https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

5.3 Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications

taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more details in the assessment below.

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Design
- ii Neighbouring Residential Amenity
- iii Parking

i Design

6.2 The alterations to the elevations of the approved dwellings involve relatively minor changes and includes the insertion of sliding/folding doors at ground floor level, the insertion of first floor, obscure glazed bathrooms windows, slight changes to fenestration details and the change in contrasting brick colour around the bay windows and door on the front elevations of plots 6, 13 & 14 to match the colour of the rest of the brickwork. It is not considered that these alterations would detract from the character and appearance of the approved scheme or the locality in general and the proposal is considered to comply with Policy DG1 of the Adopted Local Plan, and with Policies SP2 and SP3 of the emerging Borough Local Plan (which are given significant weight).

ii Neighbouring Residential Amenity

6.3 The revisions to the approved dwellings include the insertion of first floor, obscure glazed bathroom windows. The first floor bathroom window in house type 'B' (plot 9) would look out onto an adjacent wooded area to the north of the site and the first floor bathroom window in the RH (side) elevation of house type 'B' (plot 1) would look out onto the flank elevation of the proposed dwelling on plot 2. The first floor window in the LH (side) elevation of House type 'D' has been changed from an obscure glazed bathroom window to a first floor, clear glazed landing window. The window in Plot 13 would look out onto the adjacent allotments to the north of the site and the window in plot 14 would look onto the side elevation of the proposed dwelling at number 13. The insertion of the first floor, obscure glazed bathroom window in the RH (side) elevation of house type 'E' (plot 6) would look out onto the side elevation of plot 7.

6.4 It is not considered that the revisions to the elevations would result in any unacceptable level of overlooking or loss of privacy to any neighbouring property.

iii Parking

6.5 It is noted that the internal layout of House type 'D' on plots 13 & 14 has been changed and two bedrooms are now shown to be provided within the roof space which has resulted in an overall increase in the number of bedrooms from 4 to 5. Three car parking spaces are still shown to be provided in connection with these properties and this would accord with the parking standards set out in the adopted parking standards in Appendix 7 of the Local Plan as amended by the Royal Borough of Windsor and Maidenhead Parking Strategy, May 2004. No objection is therefore raised to the amendments on parking grounds.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

7.1 The development is CIL liable, however the floorspace is not increasing above that in the previously approved plans, and so CIL is not applicable in this variation application.

8. Other considerations.

8.1 A deed of variation which links this Variation application back to the legal agreement that was entered into for the original planning permission needs to be entered into and this is awaiting completion.

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

No comments have been received from the 23 neighbouring properties notified, or from the site notice posted on the 16th March 2018 or the newspaper advert.

Other consultees

Consultee	Comment	Where in the report this is considered
Highway Authority	No objection	Noted
Lead Local Flood Authority	No objection on grounds of flood risk	Noted
Environmental Protection	No objection	Noted
Tree Officer:	No objection	Noted
Ecology	No further comments to make	Noted

10. APPENDICES TO THIS REPORT

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

11. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1 The development hereby permitted shall be commenced by 28th November 2019.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 Prior to any machinery, equipment or materials are brought onto the site in connection with the development and before any demolition works are carried out, BS5837 compliant tree protection fencing and other tree protection as shown on drawing no. Arbtech AIA 01 and in accordance with the submitted Arboricultural Method Statement (Arbtech, May 2016) shall be erected, and this shall then be maintained until the completion of all construction work and until all equipment, machinery and surplus materials have been permanently removed from the site. 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 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.

3 Prior to the commencement of any construction works (including ground preparation and excavations but excluding demolition), a Construction Management Plan showing how 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.

- 4 Prior to the commencement of any construction works (including ground preparation and excavations but excluding demolition), details required under Phases 2 and 3 including soil sampling and groundwater and gas monitoring as set out in this condition shall have been submitted to and approved by the Local Planning Authority and the approved details shall then be implemented in accordance with the approved details. 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 Phase 4 has been complied with in relation to that contamination.

Phase 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.

Phase 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 (referred to in PPS23 as a validation 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.

Phase 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 clause (i), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of clause (ii), which is the subject of the approval in writing of the Local Planning Authority.

Reason: To ensure that any contamination within the site resulting from existing or previous uses of the land is identified and remediated. Relevant Policies - Local Plan NAP3 and NAP4.

- 5 Prior to the commencement of any construction works (including ground preparation and excavations but excluding demolition), details of flood compensation, finished site levels and a drainage strategy based on the principles of a sustainable urban drainage system (SUDS) shall be submitted to and approved in writing by the Local Plan Authority, The SUDS shall include i) A rainwater harvesting system and ii) Specified porous materials for hard surfaces and/or provision to direct run-off water from the hard surfaces to a permeable or porous area or surface within the development.

The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Requirement 5 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.

- 6 Prior to the commencement of any construction works (including ground preparation and excavations but excluding demolition), details including samples if necessary for a proper

evaluation of all materials to be used on the external surfaces of the development (including rainwater goods, doors and windows and external claddings) shall 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 and to ensure that the design quality envisaged in the application is delivered. Relevant Policy - Local Plan DG1.

- 7 Prior to the commencement of any construction works (including ground preparation and excavations but excluding demolition), full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted and approved shall include:

(i) details of boundary treatment including elevation drawings where necessary;

(ii) materials to be used in all hard surfaces (including the access road, paths and car parking and manoeuvring areas)

(iii) street furniture and any equipment to be provided in the local area of play

(iv) a plan of underground services, which shall be routed to avoid existing and future root protection areas; and

(v) for soft landscaping the species, grades and planting methods, including details that are sufficient to demonstrate that there will be a sufficient volume of soil or alternative growing media around existing trees and , for new plantings, in tree pits to ensure that the existing and new trees in the development will reach their full potential.

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, H10 and N6.

- 8 Prior to the commencement of any construction works (including ground preparation and excavations but excluding demolition), a landscape management plan including long-term design objectives, maintenance schedules and management responsibilities, including details of any management company or other mechanism to show how this will be managed by residents, shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall cover existing trees within the site and all areas of proposed landscaping other than private domestic gardens, with particular reference to the play area within the development identified as 'Plan 3'.

Reason: To ensure the long term management of the landscaped setting of the development and the play area, and to that ensure it contributes positively to the visual amenities of the area. Relevant Polices - Local Plan DG1, H10 and N6.

- 9 Prior to the commencement of any construction works (including ground preparation and excavations but excluding demolition), details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft and neighbouring industrial noise, together with details of measures to provide ventilation to habitable rooms, shall 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 and H10.

- 10 Prior to the commencement of any construction works (including ground preparation and excavations but excluding demolition), details of refuse bin storage area and recycling facilities, including details of their external appearance and the materials to be used in the bin stores shall have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided before the first occupation of the dwellings that they serve and then 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 and DG1.

- 11 The development shall be carried out in accordance with the Ecological Mitigation and Enhancement Plan (Arbtech, May 2016) which was approved under RBWM ref. 16/02084/CONDIT as required by condition 2 of planning permission 14/02975/FULL, and the mitigation measures shall be implemented in their entirety within the timescales approved within the strategy and retained as such.

Reason: In order to comply with advice in the National Planning Policy Framework 2012.

- 12 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawings. The space approved shall be kept available for parking and turning 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, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4 and DG1.

- 13 Finished floor levels to be set no lower than 300mm above the 1% AEP plus 20% allowance for climate change flood level of 21.04m AOD.

Reason: The site is in a floodable area and to ensure that the development is resilient to flood risk. Relevant Policy - Local Plan F1.

- 14 Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (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 dwelling house the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.

Reason: The site is in a floodable area and whilst the development subject to this permission complies with local policy and the NPPF, further development would be unlikely to do so, and to ensure that the good design qualities of the development are retained. Relevant Policies - Local Plan F1 and DG1.

- 15 Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) there shall be no further raising of existing ground levels within the site other than those approved by this permission (including details required to be approved by conditions) without a separate planning permission having first been obtained from the Local Planning Authority.

Reason: The site is in a floodable area and whilst the development subject to this permission complies with local policy and the NPPF, further development would be unlikely to do so. Relevant Policy - Local Plan F1.

- 16 Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no walls, fencing, gates or any other means of enclosure shall be erected within the site or on its boundaries other than as approved by this permission (including details required to be approved by conditions), without a separate planning permission having first been obtained from the Local Planning Authority.

Reason: To ensure that the good design qualities of the development are retained and to ensure no further impedance of flood waters. Relevant Policies - Local Plan DG1 and F1.

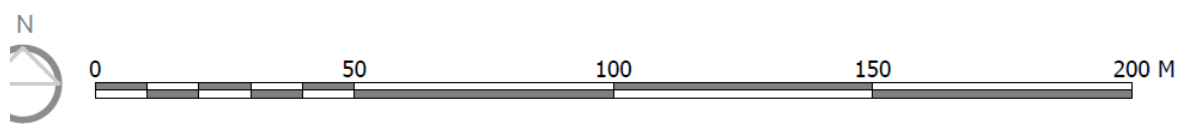
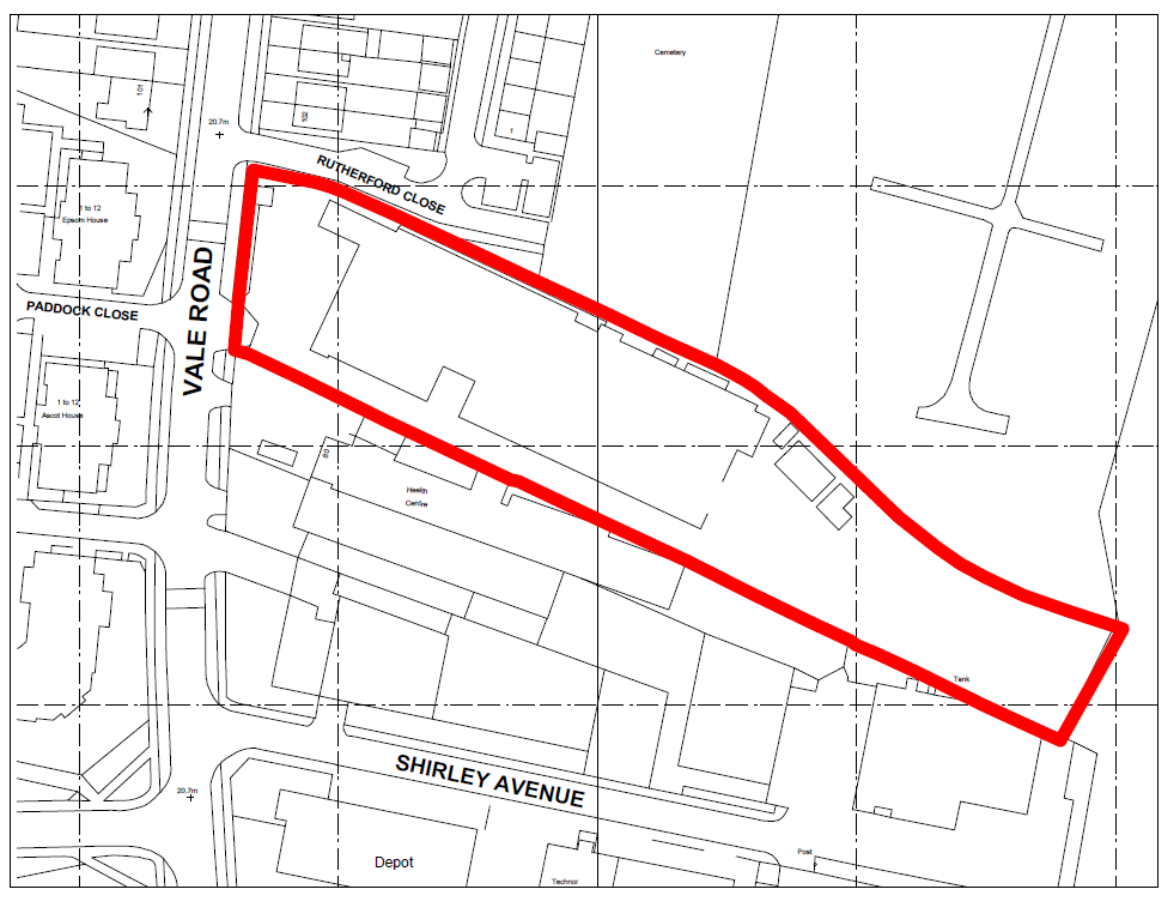
- 17 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

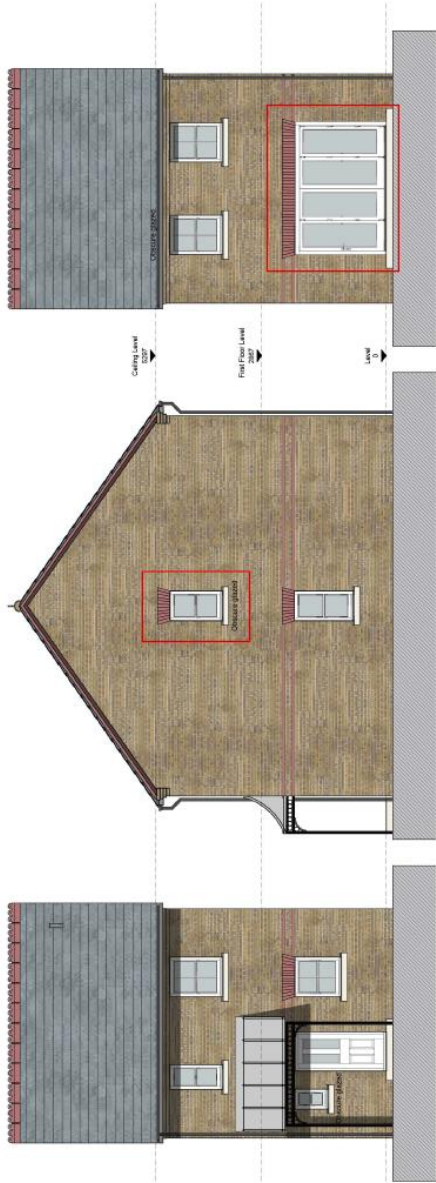
- 1 This permission should be read in conjunction with a Deed of Variation entered into to secure financial contributions towards local infrastructure and amenities made necessary by the development, flood mitigation, public pedestrian and cycle access over the access road within the development in association with any future residential redevelopment of land to the south and access by neighbouring properties to the north through an additional part of the site in the event of flooding.
- 2 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 3 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 4 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
- 5 The applicant will be required to comply with the Royal Borough of Windsor and Maidenhead Local Plan Policy (Plan NAP2) subsection 2.5.4 which states where such development is permitted: sound insulation measure should be incorporated to keep internal levels below 40dB(A). Applicants are invited to contact the Environmental Health Unit, Environmental Protection Team Leader on 01628 683645 for a copy of the aircraft noise insulation guidance notes.
- 6 applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities. applicant should be aware the permitted hours of construction working in the Authority are as follows:
 - Friday 08.00 - 18.00
 - 08.00 - 13.00
 - working on Sundays or Bank Holidays.

APPENDIX A – LOCATION PLAN



HOUSE TYPE B - ELEVATIONS

All information is subject to change without notice. All rights reserved. Drawings are prepared by computer. Dimensions are given in millimeters and rounded to the nearest millimeter. All dimensions are as shown to the architect.



EDGINGTON SPINK-HYNE
 CHARTERED ARCHITECTS

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 BERKSHIRE, GLEBE, UK
 TEL: 01753 812000
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Vale House
 Windsor

House Type B
 Proposed Elevations
 Scale: 1:50 @ A1 048 897 5403 1001
 Date: 24/01/17 09:00am C.A.
 Job No: 2401 000 Rev: 134 A



Planning Appeals Received

9 June 2018 - 6 July 2018

www.rbwm.gov.uk



WINDSOR URBAN

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Should you wish to make additional/new comments in connection with an appeal you can do so on the Planning Inspectorate website at <https://acp.planninginspectorate.gov.uk/> please use the Plns reference number. If you do not have access to the Internet please write to the relevant address, shown below.

Enforcement appeals: The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

Other appeals: The Planning Inspectorate Temple Quay House, 2 The Square Bristol BS1 6PN

Ward:
Parish: Windsor Unparished
Appeal Ref.: 18/60069/REF **Planning Ref.:** 18/00818/FULL **Plns Ref.:** APP/T0355/D/18/3203466
Date Received: 11 June 2018 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: Part single part two storey front extension and garage conversion following demolition of the existing first floor rear element
Location: **39 Hemwood Road Windsor SL4 4YX**
Appellant: Mrs Janet West **c/o Agent:** Mr Duncan Gibson Duncan Gibson Consultancy 74 Parsonage Lane Windsor SL4 5EN

Ward:
Parish: Windsor Unparished
Appeal Ref.: 18/60070/REF **Planning Ref.:** 17/03354/FULL **Plns Ref.:** APP/T0355/D/18/3202265
Date Received: 11 June 2018 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: Construction of rear dormer to extend existing loft conversion
Location: **73 Grove Road Windsor SL4 1HT**
Appellant: Mr Vilares **c/o Agent:** Mr Cameron Lloyd CAD UP Ltd Landmark House Station Road Hook RG27 9HA

Ward:
Parish: Windsor Unparished
Appeal Ref.: 18/60072/NONDET **Planning Ref.:** 18/00095/FULL **Plns Ref.:** APP/T0355/W/18/3203764
Date Received: 15 June 2018 **Comments Due:** 27 July 2018
Type: Non-determination **Appeal Type:** Inquiry
Description: Demolition of the existing basement and concrete plinth above and erection of a building of between 1 and 7 storeys containing 217 residential apartments (Use Class C3), including a cafe (Use Class A3) measuring 146 sqm (GIA), car and cycle parking, plant enclosures, access improvements, service bay, drop off spaces, substation, and associated landscaping and open space; and a five storey building to provide 16,389sqm (GIA) of office floorspace (Use Class B1), together with ground level and basement car and cycle parking, service bay and associated landscaping
Location: **Windsor Business Quarter 67 Alma Road Windsor**
Appellant: Mr Doug Stewart **c/o Agent:** Mr Gary Stevens Barton Willmore LLP 7 Soho Square London W1D 3QB

Ward:
Parish: Windsor Unparished
Appeal Ref.: 18/60074/REF **Planning Ref.:** 17/03690/CPD **Plns Ref.:** APP/T0355//X/18/
3197572
Date Received: 22 June 2018 **Comments Due:** 3 August 2018
Type: Refusal **Appeal Type:** Written Representation
Description: Certificate of lawfulness to determine whether the proposed extension of the existing render is lawful
Location: **64 Clewer Park Windsor SL4 5HD**
Appellant: Mr And Mrs Bruggraber **c/o Agent:** Mr Marcus Sturney 14 Manor Road Windsor Berkshire SL4 5LP

Ward:
Parish: Datchet Parish
Appeal Ref.: 18/60075/ENF **Enforcement Ref.:** 17/50233/ENF **Plns Ref.:** APP/T0355/C/18/
3202261
Date Received: 29 June 2018 **Comments Due:** 10 August 2018
Type: Enforcement Appeal **Appeal Type:** Written Representation
Description: Appeal against the Enforcement Notice: 1. Without planning permission the material change of use of the land from agricultural land (previously undeveloped grass land) to vehicle storage (airport parking). 2. Without planning permission the importation of materials, including but not limited to, shingle, brick rubble and geotextile matting, to form a hardstanding.
Location: **Land North of 2 And Rear of 2 To 36 Ditton Road Datchet Slough**
Appellant: Levi Loveridge **c/o Agent:** Mr Peter Alan Penn Projects Flat 5 The White House Market Place Chalfont St Peter Gerrards Cross SL9 9HE

Appeal Decision Report

9 June 2018 - 6 July 2018



WINDSOR URBAN

Appeal Ref.: 18/60045/REF **Planning Ref.:** 17/03638/FULL **Plns Ref.:** APP/T0355/D/18/3196853

Appellant: Mr & Mr Beresford And Schneider 23 Grove Road Windsor SL4 1JE

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Single storey rear extension, first floor side/rear extension, new roof lights and alterations to fenestration following demolition of existing single storey rear element.

Location: **23 Grove Road Windsor SL4 1JE**

Appeal Decision: Dismissed **Decision Date:** 18 June 2018

Main Issue: The first floor extension would completely conceal the main and original rear elevation of the dwelling as well as the majority of the western elevation of the three storey outrigger, including the chimney attached thereto. The loss of the rear sash window would give rise to the removal of an historic feature resulting in harm to the non-designated heritage asset. The scale and design of the extension would dominate the rear elevation as well as giving rise to loss of architectural features.

Appeal Ref.: 18/60063/REF **Planning Ref.:** 17/03250/FULL **Plns Ref.:** APP/T0355/D/18/3197999

Appellant: Ms Samantha Tarling **c/o Agent:** Mr Barry Stacey Designed Images 23 Little Common Stanmore Middlesex HA7 3BZ

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Construction of Dropped Kerb

Location: **40 Haywards Mead Eton Wick Windsor SL4 6JN**

Appeal Decision: Dismissed **Decision Date:** 18 June 2018

Main Issue: Due to the lack of space within the sites curtilage and the narrow width of the new crossing, vehicles would not be able to turn around on site and leave in a forward gear; as such they would need to reverse onto the road causing delays, whilst reducing road safety for highways users. Additionally if a vehicle was to reverse into the site, to allow for leaving in a forward gear; the process would cause traffic build up and a hindrance to road users. It is therefore considered likely that the proposal would cause an additional obstruction to the free-flow of traffic and therefore give rise to conditions which would harm highway safety. Furthermore due to its siting in a relatively open, green and undeveloped part of the road; the new crossing would cause harm to the character of the surrounding area through development which results in the loss of important features which contribute to that character. For these reasons the proposal is considered to be contrary to Local Plan Policies DG1, T5 and the Highways Design Guidelines.

Appeal Ref.: 18/60061/REF **Planning Ref.:** 17/03274/FULL **Plns Ref.:** APP/T0355/D/18/
3198176

Appellant: Mr Edward Harrison 57 Mill Lane Windsor SL4 5JQ

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Construction of rear dormer to facilitate loft conversion and installation of 3 x rooflights to front elevation

Location: **57 Mill Lane Windsor SL4 5JQ**

Appeal Decision: Dismissed **Decision Date:** 18 June 2018

Main Issue: Due to its excessive size, unusual roof form comprising flat roof and gable elements, poor fenestration alignment and siting amongst a relatively unaltered terrace roofscape; the proposed dormer would cause significant harm to the character and appearance of the host dwelling and locality, contrary to Local Plan Policies DG1, H14, CA2 and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
