

NOTICE  
OF  
MEETING  
**WINDSOR AREA DEVELOPMENT  
MANAGEMENT PANEL**

will meet on

**WEDNESDAY, 4TH SEPTEMBER, 2019**

**At 7.00 pm**

in the

**CONFERENCE ROOM - YORK HOUSE**

TO: MEMBERS OF THE WINDSOR AREA DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS DAVID CANNON (CHAIRMAN), JOHN BOWDEN (VICE-CHAIRMAN), CLIVE BASKERVILLE, CHRISTINE BATESON, WISDOM DA COSTA, JON DAVEY, KAREN DAVIES, DAVID HILTON, NEIL KNOWLES, JULIAN SHARPE, SHAMSUL SHELIM AND AMY TISI

SUBSTITUTE MEMBERS

COUNCILLORS MANDY BRAR, GERRY CLARK, CAROLE DA COSTA, ANDREW JOHNSON, LYNNE JONES, SAYONARA LUXTON, GARY MUIR, PRICE, SAMANTHA RAYNER AND JOHN STORY

Karen Shepherd – Service Lead – Law and Governance - Issued: August 27<sup>th</sup> 2019

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at [www.rbwm.gov.uk](http://www.rbwm.gov.uk) or contact the Panel Administrator **Wendy Binmore** 01628796251

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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.  <u>PLANNING APPLICATIONS (DECISION)</u>  To consider the Head of Planning'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 access the Planning Applications Public Access Module at <a href="http://www.rbwm.gov.uk/pam/search.jsp">http://www.rbwm.gov.uk/pam/search.jsp</a>  <b>Key:</b> <b>APP = Approval</b> <b>CLU = Certificate of Lawful Use</b> <b>DD = Defer and Delegate</b> <b>DLA = Defer Legal Agreement</b> <b>PERM = Permit</b> <b>PNR = Prior Approval Not Required</b> <b>REF = Refusal</b> <b>WA = Would Have Approved</b> <b>WR = Would Have Refused</b>	7 - 10
4.	<u>16/01725/FULL - CHARLES MORRIS FERTILIZER, HYTHE END FARM, HYTHE END ROAD, WRAYSBURY, STAINES, TW19 5AW</u>  <b>Proposal:</b> Replacement concrete surfacing associated with the lawful storage and processing of waste material, with associated drainage infrastructure and access ramps (part retrospective)  <b>Recommendation:</b> DD  <b>Applicant:</b> Mr Fowles – Fowles Crushed Concrete Ltd  <b>Member Call-in:</b> N/A  <b>Expiry Date:</b> 31 October 2016	11 - 30
5.	<u>16/02366/FULL - FOWLES CRUSHED CONCRETE, HYTHE END FARM, HYTHE END ROAD, WRAYSBURY, STAINES, TW19 5AW</u>	31 - 48

**Proposal:** Detached building for the maintenance of plant and machinery associated with the storage before and after processing and processing of waste materials which is the subject of a Certificate of Lawful Use dated 9 September 1998 (retrospective)

**Recommendation:** DD

**Applicant:** Mr Fowles

**Member Call-in:** N/A

**Expiry Date:** 8 February 2019

6.

18/03747/FULL - MILE STONES, QUEENS HILL RISE, ASCOT, SL5 7DP

49 - 76

**Proposal:** Construction of two blocks comprising 18 no. apartments with basement parking and improvements to existing access from Queens Hill following demolition of existing dwellinghouse and outbuildings.

**Recommendation:** DD

**Applicant:** Searchfield Homes Limited

**Member Call-in:** N/A

**Expiry Date:** 5 July 2019

7.

19/00313/FULL - ALEXANDRA GARDENS, BARRY AVENUE, WINDSOR, SL4 5JA

77 - 104

**Proposal:** Construction of ice rink and attractions annual between October and January for the years 2019 - 2022

**Recommendation:** PERM

**Applicant:** Mr Coleman

**Member Call-in:** N/A

**Expiry Date:** 6 September 2019

8.

19/00324/FULL - CHARTERS SCHOOL, CHARTERS ROAD, SUNNINGDALE, ASCOT, SL5 9QY

105 - 142

**Proposal:** Provision of a dual use leisure facility for combined school and community to include 25 metre 6 lane swimming pool, 8 court sports hall, gym, dance studio and ancillary accommodation, along with landscaping and parking areas

**Recommendation:** REF

**Applicant:** Mr Pilgrim

**Member Call-in:** N/A

	<b>Expiry Date:</b> 6 May 2019	
9.	<u>19/00948/FULL - WHEATSHEAF PARADE, ST LUKES ROAD, OLD WINDSOR, WINDSOR, SL4 2QH</u>  <b>Proposal:</b> Erection of a new building comprising of 3 no. flats with associated bin storage and cycle shelter following demolition of existing garages. Two storey extension adjacent to 5 Wheatsheaf Parade to provide 2no. flats. Re-positioning of existing vehicular access.  <b>Recommendation:</b> REF  <b>Applicant:</b>  <b>Member Call-in:</b> N/A  <b>Expiry Date:</b> 6 September 2019	143 - 164
10.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u>  To note the Essential Monitoring reports.	165 - 166
11.	<u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC</u>  To consider passing the following resolution:-  "That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on item 12 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act"	-
12.	<u>ENFORCEMENT REPORT</u>  To consider and determine the contents of the report.  <b>(Not for publication by virtue of Paragraph 6b of Part 1 of Schedule 12A of the Local Government Act 1972)</b>	167 - 168

## **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 3

## WINDSOR AREA DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 7 AUGUST 2019

PRESENT: Councillors John Bowden (Vice-Chairman), David Cannon (Chairman), Jon Davey, Karen Davies, David Hilton, Neil Knowles, Price, Julian Sharpe, Shamsul Shelim and Amy Tisi

Officers: Wendy Binmore, Adam Jackson, Rachel Lucas, Helena Stevenson and Ashley Smith

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor W. Da Costa.

### DECLARATIONS OF INTEREST

None.

### MINUTES

**RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 3 July 2019 be approved.**

18/03341/FULL - THAMES VALLEY ATHLETICS CENTRE, POCOCKS LANE, ETON, WINDSOR, SL4 6HN

<b>18/03341/FULL</b>  <b>Thames Valley Athletics Centre</b> <b>Pococks Lane</b> <b>Eton</b> <b>Windsor</b> <b>SL4 6HN</b>	<b>Change of use of the site from D2 (Assembly and Leisure) to a mixed use of D1 (Nursery) and D2 (Assembly and Leisure)</b>  A motion was put forward by Councillor Shelim to approve the application. This was seconded by Councillor Bowden.  <b>The Panel voted unanimously to PERMIT the application</b>
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19/00721/FULL - 12A-12B PEASCOD STREET, WINDSOR

<b>19/00721/FULL</b>  <b>12a – 12b Peascod Street</b> <b>Windsor</b>	<b>Demolition of the existing first floor maisonette and redevelopment for 5 x apartments over three floors</b>  A motion was put forward by Councillor Bowden to approve the application. This was seconded by Councillor Shelim.  <b>The Panel voted unanimously to PERMIT the application</b>
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19/01025/FULL - 114-116 ST LEONARDS ROAD, WINDSOR

<p><b>19/01025/FULL</b></p> <p><b>114 – 116 St Leonards Road Windsor</b></p>	<p><b>Proposed barrel roof with 3no. dormers to provide additional 1no. flat following the demolition of plant room.</b></p> <p>A motion was put forward by Councillor Hilton to refuse the application. This was seconded by Councillor Davies.</p> <p><b>The Panel voted to REFUSE the application</b></p> <p><b>Seven Councillors voted in favour of the Motion to refuse; three Councillors voted against the Motion.</b></p> <p>A second Motion was put forward to grant planning permission which was proposed by Councillor Bowden and seconded by Councillor Davey, but this Motion fell away.</p> <p>(The Panel was addressed by Mario Lisle, the applicant).</p>
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19/01277/FULL - 4-5 TURKS HEAD COURT, ETON, WINDSOR

<p><b>19/01277/FULL</b></p> <p><b>4-5 Turks Head Court Eton Windsor</b></p>	<p><b>Construction of second floor with mansard roof to create 4 x one bedroom flats and 1 x two bedroom flat, external alterations to existing building to include rendered exterior and alterations to fenestration.</b></p> <p>A motion was put forward by Councillor Hilton to approve the application. This was seconded by Councillor Tisi.</p> <p><b>The Panel voted unanimously to PERMIT the application</b></p> <p>(The Panel were addressed by Duncan Gibson, the agent).</p>
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All details of the essential monitoring reports were noted.

The meeting, which began at 7.00 pm, finished at 7.50 pm

CHAIRMAN.....

DATE.....

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## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

### DEVELOPMENT CONTROL PANEL

4 September 2019

Item: 1

<b>Application No.:</b>	16/01725/FULL
<b>Location:</b>	Charles Morris Fertilizer Hythe End Farm Hythe End Road Wraysbury Staines TW19 5AW
<b>Proposal:</b>	Replacement concrete surfacing associated with the lawful storage and processing of waste material, with associated drainage infrastructure and access ramps (part retrospective)
<b>Applicant:</b>	Mr Fowles - Fowles Crushed Concrete Ltd
<b>Agent:</b>	Mr Guy Titman - MJCA
<b>Parish/Ward:</b>	Wraysbury Parish/Horton & Wraysbury Ward

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

#### 1.0 SUMMARY

- 1.1 The application seeks planning permission for replacement concrete surfacing, the erection of ramps to serve the existing weighbridge and associated drainage infrastructure used in conjunction with the lawful use of the site as a waste transfer/sorting facility. The development detailed is located within the existing waste transfer station, and is largely hidden from public view being in close proximity to trees which effectively screen the site. The development that is the subject of this application is considered to be an appropriate form of development in the Green Belt as the works fall within the definition of 'engineering or other operations' and would preserve openness and would not conflict with the purpose of including land within it. Additionally the negative less than negligible impact on flood risk, is considered acceptable when weighed against other material considerations.
- 1.2 Should the panel resolve to authorise the approval, the application will require referral to the National Planning Casework Unit as the development comprises 'flood risk area development' to which the Environment Agency has made an objection that it has not been able to withdraw as defined under the Town and Country Planning (Consultation) (England) Direction 2009.

**It is recommended that the Panel DELEGATES the authority to GRANT planning permission to the Head of Planning (with any conditions deemed appropriate, if any) following confirmation from the LLFA that the drainage details are acceptable and referral of the application to the National Planning Casework unit.**

#### 2. REASON FOR PANEL DETERMINATION

- At the request of Cllr Lenton in the event that the application is recommended for approval by officers.
- The Head of Planning considers it appropriate that the Panel determines the application, irrespective of the recommendation.

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

- 3.1 The application site is located between Hythe End Road to the West, the River Thames to the South and Ferry Lane to the North and East. It is bisected by the Thames relief corridor and the site access is on Hythe End Road. The site is separated from the surrounding area by an approximately 4-5 m high vegetated earth bund.
- 3.2 The site lawfully operates as a waste transfer station and there are a variety of structures and stockpiles on site that are used in conjunction with the lawful use.
- 3.3 Located to the northwest is the site of a plant maintenance building which is being considered under a separate planning application. Residential properties lay to the east of the site beyond tree screening. A collection of industrial buildings are located to the north east, opposite the existing site entrance.
- 3.4 The site is located within the Green Belt and Flood Zone 3 and 3b.

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

- 4.1 The proposal seeks full planning permission for the replacement of existing concrete surfacing on part of the site, ramps to access the weighbridge and associated drainage infrastructure. The planning unit covers an area of approximately 7.6ha and is accessed from the north. This application only relates to the southern section of the site which covers an area of approximately 3.2ha. The extent of the application site is detailed in Appendix 2.
- 4.2 The concrete surfacing subject of this application is largely in place, and in that respect the application is retrospective. The concrete has also necessitated the installation of a sealed drainage system to capture surface water, in accordance with guidelines published by the Environment Agency that relate to waste management facilities. The applicant states that the requirements for the concrete surfacing is a requirement of their Environmental Permit. It is also asserted that a large proportion of the works for which planning permission are sought fall within Permitted Development for the site. Nevertheless, as a planning application has been submitted, it will be determined on its merits.
- 4.3 No structures are proposed as part of the proposal.

<b>Ref.</b>	<b>Description</b>	<b>Decision and Date</b>
97/76220	Land to the east of Hythe End Road] Application to ensure that the conditions on the existing old permission concerning operations and restoration are in accordance with the Environmental Act 1995	No objection 1998
75746	Certificate of Lawfulness for an existing use for the storage and processing of excavated / dredged building materials, timber and associated plant and machinery	Approved 9.9.98
02/82412	Erection of 2.4m high compound fencing and retention of existing earth bund	Approved 3.3.05
02/82413	Erection of new gates and fence, wheel wash and weighbridge with widening of existing gateway and	Refused and allowed on appeal 20.1.05

	alterations to concrete hard surfacing (retrospective)	
06/00438	Enforcement Notice relating to the erection of two port-a-cabins, formation of concrete road and relocation of a weighbridge	Allowed on appeal 6.3.07
10/02574	Replacement of two port-a-cabins	Refused and allowed on appeal. Appellant granted a full award of costs against the Council as the Council was unable to reasonably justify the refusal of the application. 2.9.11
11/02599	Installation of security / safety lights (part retrospective)	Application withdrawn
12/00012	Installation of security / safety lighting (part retrospective)	Refused and appeal dismissed.
12/00015	Installation of metal security fencing and gates.	Part refused.
12/01230	Erection of metal security fencing and gates (retrospective) (to the east of Hythe End Road)	Granted
12/01431/FULL	Installation of two vehicular barriers	Refused, 30.08.2012
16/02366/FULL	Detached building for the maintenance of plant and machinery associated with the storage before and after processing and processing of waste materials which is the subject of a Certificate of Lawful Use dated 9 September 1998 (retrospective)	Recommended for approval on this agenda
18/02581/FULL	Replacement concrete surfacing associated with the lawful storage and processing of waste material, with associated drainage infrastructure and speed bumps (part retrospective).	Recommended for approval on this agenda

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

### 5.1 National Planning Policy Framework Paragraphs:

133, 134, 146 referring to Green Belt land.

### 5.2 Replacement Waste Local Plan

Sustainable Development	Land Raising	Is Development Needed	Waste Management Facilities – non-landfill	Assessing the Impact of Development Proposals
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WLP1	WLP3	WLP27, 28, 29	WLP16	WLP30
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### Royal Borough Local Plan

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

Within Settlement Area	Highways and Parking	Flood Risk	Trees	Green Belt	Setting of the Thames
DG1	T5	F1	N6	GB1, GB2	N2, N3

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](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 detail in the assessment below.

This document can be found at:

[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### **Supplementary planning documents**

- 5.4 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](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 Need for the Development
- ii Impact on character and appearance of the area
- iii Impact on the Green Belt
- iv Impact on Highway Safety and Capacity
- v Land raising
- vi Impact on Flood risk
- vii Impact on setting of the Thames

### **i. Need for Development**

- 6.2 The planning unit currently operates as a waste transfer site. The use is in accordance with the Lawful Development Certificate granted in 1998 (97/75746) which has the following description:

*'storage before and after processing and processing of excavated/dredged/builders material, timber with associated plant and machinery'.*

- 6.3 The activities and processes carried out at the site comprise the keeping and treating of waste materials. Processing includes shredding, screening, sorting, crushing, compacting and baling waste using associated plant and machinery. These activities fall within the remit of the certificate and are also regulated by the Environment Agency under their Environmental Permitting regime. Environmental Permits are issued subject to conditions which can include the requirement to conduct operations on fully

sealed surfaces to prevent any pollutants entering either the ground strata, or watercourses.

6.4 In this regard, Policy WLP1 advises that:

*'In identifying land or considering proposals for waste management development the Local Planning Authorities will have regard to the extent to which the development is sustainable in form and location and helps to conserve natural resources and the human and natural environment, and minimises traffic congestion, travel distances, waste generation and pollution, and adverse impacts on humans and the natural environment.'*

6.5 The submitted supporting statement indicates that the site benefits from existing concrete surfacing, some of which was installed prior to the site being occupied by the applicant. Due to the poor state of repair of the surfacing, replacement was considered more appropriate than repair. It has been contended during the consultation process, that even though the applicants state that the site benefitted from a fully concreted surface prior to the installation of the replacement surfacing, local residents argue that there was only limited concrete surfacing prior to the occupation of the site by the applicant. It has also been suggested that, despite the detail within the supporting statement suggesting that the replacement concrete works maintain the original land levels with the exception of a portion of the site in the south east section of the site, land levels have been raised significantly, with some residents suggesting that the levels have been raised by as much as 1.5 metres. Such detail will be considered in following sections, with this section being concerned with the need for, and principle of, the development. Given the status of the site as a lawful existing waste management facility that is currently operating under the terms of an Environmental Permit, the proposal for replacement surfacing is considered to accord with the aims and objectives of Policy WLP1. Further detailed assessment of the relevant provisions will be undertaken in the following sections.

6.6 In addition, Policy WLP16 advises that:

*'Outside Preferred Areas, proposals for waste management development other than landfill will normally be permitted on sites within existing permanent waste management facilities or within existing or proposed industrial areas [i.e. areas containing a proportion of uses in the Use Classes categories B2 to B8], subject to:*

- (i) consideration of environmental impacts; and*
- (ii) the proposals overcoming or accommodating all constraints deriving from the considerations set out in Policies WLP27 and WLP29 to WLP33 and all other relevant policies of the Plan.'*

In this context, the site is part of an existing waste management development that is not within one of the preferred areas as identified by the Waste Local Plan (WLP). The principle of new development on the site is therefore acceptable in principle, subject to adequately demonstrating that the remaining relevant policies of the plan, and any other relevant policies, have been met.

Such an assessment will be undertaken in the following sections of the report.

## **ii. Impact on Character and Appearance of the Area**



- 6.7 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) that describes the site, the nature of the development and what impacts, if any, the development would have.
- 6.8 The site is not located within any nationally designated landscapes, such as an Area of Outstanding Natural Beauty, Historic Parks or Gardens or National Parks. The site is located within the Green Belt, which will be considered separately. The site is defined in the Local Character Assessment for the Borough of Windsor and Maidenhead as Landscape Character Type 14 (LCT14): Settled Developed Floodplain. LCT 14 is characterised by the wide slow moving river corridor with associated river edge and woodland habitats and broad open floodplain comprising a fragmented landscape pattern, degraded edge of town landscape, with a mix of modern areas, including industrial estates sewage works and horse paddocks. Some of these areas suffer from neglected boundaries; fly tipping, active gravel extraction works, woodland, settlements, transport corridors and overhead aviation noise. The site is further located in LCT14c which is also characterised by artificial slopes of water storage reservoirs, ancillary buildings, fly tipping and a fragmented network of public paths. The overall appearance of the area is described as being 'disparate and somewhat scruffy'. Despite this categorisation, any development that would further exacerbate this situation through additional impacts on the visual appearance of the area should not be permitted merely to maintain the status quo. Opportunities for improvement should be sought. It is considered due to the limited visibility of the site from publicly accessible vantage points, and the benefits that consolidating the surface would have in terms of improving site operations and reducing negative impacts often associated with waste management facilities, such as dust generation, would generally be beneficial and weigh in favour of the development.
- 6.9 The existing site, with its lawful use as a waste management site, has an industrial appearance and character with various stockpiles of both processed and unprocessed material, machinery, storage bays, surfacing and other site infrastructure. Given the appearance of the site and its general industrial appearance and its existing lawful use, it is not considered that replacement concrete surfacing, and the associated drainage works would have a significantly adverse impact on the character and appearance of the area.
- 6.10 Due to the general lack of visibility of the site from publicly accessible areas, it is unlikely that the replacement surfacing will be perceived within the environment as adding to, or detracting from, the character of the area. Due to the existing site context it is considered unlikely that the replacement surfacing and associated works would result in a harmful impact on the character or appearance of the area. The LVIA concludes that the replacement surfacing, concrete ramps and drainage infrastructure would have a neutral effect on the character and appearance of the area.

### **iii. Impact on the Green Belt**

- 6.11 The site is located within the Green Belt, and as such must accord with the various Policy Provisions of the NPPF, WLP and The Royal Borough of Windsor and Maidenhead Local Plan.
- 6.12 Paragraph 133 of the NPPF advises that:

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

- 6.13 The NPPF lists appropriate forms of development within the Green Belt at paragraphs 145 and 146. Paragraph 146 details that 'engineering operations' would not be inappropriate development in the Green Belt provided they preserve openness and do not conflict with the purposes of including land within it.
- 6.14 Policy GB1 of the Local Plan advises that approval will only be given, save in very special circumstances, for ...'engineering and other operations ... which maintain openness and do not conflict with the purposes of including land in the Green Belt'.
- 6.15 In an appeal decision for the erection of entrance gates, a weighbridge and hard standing on the site, (reference APP/T0355/C/04/1161958 and A/1161848) the inspector concluded that hard standing would fall within 'engineering and other operations' as defined by Policy GB1 and was therefore not considered to be inappropriate development within the Green Belt. In this context, it is also considered that the drainage works and access ramps to the weighbridge would also fall within this definition, given the inclusion of the weighbridge in the former appeal decision. Therefore the principle of the works for replacing the hard surfacing, drainage and ramps for the weighbridge are considered to be forms of development that have the potential to be acceptable within the Green Belt in light of the NPPF and Policy GB1 of the Local Plan. It is however necessary to consider whether the development would have a greater impact on the openness of the Green belt than existing development on site (compliance with local plan policy GB2) or have a detrimental impact on the openness of the Green Belt or conflict with the purposes of including land within it to comply with the NPPF.
- 6.16 In terms of the works that are the subject of this application, they are located within a site that is already characterised as a waste management facility, and would be located in a position on the site in close proximity to stockpiles of material in association with the lawful use. The laying of the concrete introduces proportionately limited volume on to the site and the development would be sited in and amongst existing site features, such as storage bays with pushing walls, stockpiles of sorted and unsorted materials, plant, machinery, vehicles, skips, and office buildings located on the site. The spatial impact of the concrete introduced is considered to be relatively limited in the context of the operation of the site and is located in such a position that it is afforded significant screening from publicly accessible viewpoints which means that its' visual impact is very limited. Given the presence of the other elements already present upon the site, the site has a general industrial appearance, and the addition of the concrete surfacing would be read in conjunction with the existing use of the land. The existing site has a number of site offices and staff facilities and along with the presence of the industrial buildings and works further to the east, there is already a built up industrial feel to parts of the area. The presence of stockpiles of material adds to this feel. In this context the surfacing, drainage works and weighbridge ramps are not considered to have a materially greater impact in spatial or visual terms than the existing lawful use of the site. Given the above assessment it is considered that these engineering works are appropriate development within the green belt.

#### **iv. Impact on Highway Safety and Capacity**

- 6.17 The proposals make provision for the replacement of existing hard surfacing, and the upgrading of site drainage and the installation of ramps for the existing weighbridge. They do not indicate that there would be a likelihood of a material change in the amount of vehicular traffic entering the site. It should also be noted that the site currently operates under a Certificate of Lawful Development where there is no restriction on the number of vehicles that can access the site.

6.18 In addition to the above, it is noted that the Local Highway Authority raised no objections to the proposals.

#### **v. Land Raising**

6.19 During the course of the application a number of local residents have expressed concerns that in order to facilitate the surfacing of the site, additional material has been imported and tipped in the location that now forms the area of hardstanding.

6.20 Policy WLP3 refers to land raising, which can be best be described as the disposal of waste on land which results in the artificial raising of the natural ground level. Policy WLP3 does not support the disposal of waste material through land raising, which instead should be diverted to other uses in order to drive waste up the waste hierarchy. Land raising is considered to be the least desirable use for material.

6.21 Whilst the applicant does not suggest that any significant level changes have been made, the representations from residents dispute this. The application was accompanied by a topographical plan showing the site levels at the present time (post surfacing), and a number of other plans indicating the existing private ways located on the site. These plans do not suggest that land raising has taken place. In addition, the Council has records from historic planning applications, and whilst these do include topographical surveys, it is inconclusive as to whether there has been any significant land raising undertaken on site as the data points do not directly correlate with one another. Therefore it is not possible to make a like for like comparison to establish whether land raising has taken place with any degree of certainty.

6.22 However, the Environment Agency has detailed records for land levels of various sites across the country, the subject site being one of these examples. The sites are overflowed by aircraft which then measure the site levels AOD (Above Ordnance Datum) using LiDAR (Light Detection and Ranging). These records date back to the early 2000's and would help to establish whether any land raising has taken place.

6.23 On the basis of their analysis the Environment Agency has advised that land raising has taken place at the site but this has been historic with land raising principally occurring between 2003 and 2009. This land raising is considered lawful by virtue of S171b (1) of the Town and Country Planning Act, i.e. it is immune from enforcement action as more than four years has passed since the work was substantially completed. As a result it is unconnected to the development that is the subject of this application.

#### **vi. Impact on Flood Risk**

6.24 The site is at high risk of flooding, it is positioned within Flood Zone 3, with part of the site being within the Functional Floodplain, also known as Flood Zone 3b.

6.25 Paragraph 155 of the NPPF states that *'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'*.

6.26 Paragraph 163 further stipulates that when determining applications, Local Planning Authorities (LPAs) should not increase flood risk elsewhere. Where appropriate, applications should be supported by a site specific flood risk assessment and development should only be allowed in areas at risk of flooding where, in the light of

this assessment and the sequential and exception test (as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

6.27 The applicant in a letter dated the 27<sup>th</sup> May 2016 submitted with the application form states the following:

*'The fundamental principle of the development the subject of this application is to provide improved concrete surfacing for the continued management of the materials at the existing consented waste management facility. The facility already exists there are, in effect no locations at a lower risk of flooding where the development can be carried out'.*

6.28 Whilst it is recognised that the applicant has technically failed to comply with the sequential test, the *'development that is the subject of this application relates to an already developed site, and therefore a sequential test is unnecessary (Watermead Parish Council v Aylesbury Vale District Council Crematoria Management Ltd 2017)*. The site lawfully operates as a waste transfer site and the concrete surfacing is a requirement of the environmental permit required to operate the lawful use. It is neither logical nor reasonable to consider that the concrete surfacing, weighbridge and associated drainage is located elsewhere, it is essential to the lawful use of the application site. The NPPG (033 Reference ID: 7-033-20140306) acknowledges that there needs to be a pragmatic approach on the availability of alternatives and gives the example of extensions to an existing business premise. It further details that in instances such as this, it is impractical to suggest a more suitable alternative location; and it is considered that a pragmatic approach such as this is required in determining this application.

6.29 The development that is the subject of this application relates to a waste treatment site which is classified as 'less vulnerable development' in accordance with table two of the NPPG. Tables 1 and 3 of the NPPG (refs 7-065-20140306 and 7-067-20140306) detail that less vulnerable development is acceptable in Flood Zone 3a but not in 3b. The extent of Flood Zone 3b is mapped in the Borough's Strategic Flood Risk Assessment (SFRA) which illustrates that the majority of the application area is within Flood Zone 3, thus making the development largely compliant with the NPPG.

6.30 The applicant submitted a Flood Risk Assessment in May 2016 and this was updated in January 2017 following a consultation response from the Environment Agency dated 16<sup>th</sup> September 2016 confirming that they object to the development. The Environment Agency was re-consulted on the January 2017 FRA and the consultee response was received in March 2019. This response maintained the Environment Agency's'

objection due to the absence of an acceptable FRA. In particular the EA raised the following points:

- The changes in ground level associated with the concrete surfacing are unclear. The thickness of concrete is not documented and it is not clear if material was removed before building ground levels back up to the 2016 levels.
- There are discrepancies in the visual representation of screening bunds, which is important in understanding how fluvial flood water will enter the site.
- The comparison between ground levels using hydraulic modelling suggests that there will not be a change in flood levels outside the application site. However, the modelling does not accurately; reflect conditions within the site.
- The EA does not accept the suggestion that compensatory floodplain storage does not need to be considered in this location due to the potential construction of the River Thames Scheme as this is not considered to be a material planning consideration. Hydraulic modelling is a useful tool in assessing the effect of replacing the concrete on flood flows and storage but does not negate the need to consider mitigation for loss of floodplain storage through the provision of compensatory storage.
- The Flood Risk Assessment outlines how a compensatory floodplain storage scheme could be implemented. The provision of level for level compensatory storage is the preferred method of mitigation. This is achieved by assessing losses of storage in depth 'slices' and removing material to an equivalent depth, using the same slices, from an area outside the floodplain. This approach is considered in the report but the EA is unclear how this would be implemented

6.31 The applicant responded to the points above and following receipt of this response, the Environment Agency has confirmed the objection is maintained in respect of the two points relating to compensatory floodplain storage, but the other matters have been resolved.

6.32 Further to the above, as a result of an unrelated investigation by the Environment Agency, site specific flood modelling has been carried out relating to the application site which refers to the importation of material and resultant increase in land levels at the site and the associated flood risk since 2003. The scope of this modelling exceeds what can be considered in the context of this application as the historic land raising at the site since 2003 has resulted in parts of the site having an elevational change in the order of 0.5 m -1.5 m. The results of this modelling conclude that the land raising that has occurred at the site since 2003, has resulted in a negligible negative impact to flood risk. With reference to the development that is the subject of this application, the applicant has stated that land levels recorded during the 2015 topographical survey are approximately the same as the levels recorded during the 2012 survey with the exception of a small area in the south east of the site, thus demonstrating that land levels have largely been unaltered as a result of the development. The only exception being in the south east of the site where the level was raised slightly from the 2012 level to provide a level site surface. In light of this evidence, it is concluded that the site levels have not changed significantly as a result of the work detailed in this application and therefore the development will not have a significant adverse impact on flood risk.

6.33 This point is empathised by the fact that the Environment Agency has concluded that historic land raising at the site which has significantly raised land levels has had a

negligible impact on flood risk, therefore the impact of the development that is the subject of this application will be less than negligible.

- 6.34 On the 5<sup>th</sup> July 2019 in a meeting between the applicant, RBWM and the EA following the publication of the site specific flood modelling, the Environment Agency confirmed that it would not remove the objection to the development that is the subject of this application without agreeing mitigation in the form of compensatory floodplain storage. This is on the basis that the work that is the subject of this application has had a negative impact albeit negligible.
- 6.35 At the meeting the applicant did indicate that they may be willing to agree to the removal of the perimeter bund and its replacement with acoustic fencing as a form of compensatory floodplain storage. The applicant undertook a feasibility study and a draft condition was agreed between parties. However, the applicant is unwilling to change the description of development so that the condition can be imposed and therefore the scheme must be considered in the absence of the compensatory flood plain storage.
- 6.36 Whilst it is accepted that the development contributes in part to a negative negligible impact on flood risk and cumulative flood risk, this impact must be carefully balanced against the material considerations that weigh in favour of the development. The fact that it is required in connection with the existing lawful use of the site, it has the benefit of preventing pollutants entering either the ground strata, or watercourses, the use of the site is less vulnerable in terms of flood risk, the associated drainage detailed is adequate (subject to LLFA approval) and there are no other issues that weigh against the proposal, it is considered that on balance the development that is the subject of this application is acceptable.

#### **vii. Impact on the Setting of the Thames**

- 6.37 Proposals that are located within the setting of the river Thames should either conserve or enhance the character of the Thames corridor. In this regard, Policy N2 provides the relevant guidance on the criteria development must meet in order to be judged acceptable. The criteria are as follows:
- 1) The character, height, scale and bulk of the development respects the water frontage together with adjoining development and land uses;
  - 2) The protection of important views of and from the river;
  - 3) The retention of existing waterside buildings where these are considered to be of merit, especially traditional boatyards;
  - 4) The retention of tree-cover and the conservation of the ecological value of the area, particularly the retention of vulnerable meadow- land;
  - 5) Existing public access should be retained and, in appropriate locations, the provision of new public access will be sought.
- 6.38 As discussed in previous sections, the site is afforded substantial screening by virtue of the existing tree planting and bund around the perimeter of the site. The proposals do not result in any development that would extend significantly above ground level, nor have any appreciable bulk that would be perceptible from the river Thames passing the site, or in views where the site may be seen in conjunction with the river. The development would not

result in any impact on existing waterside features, nor is any tree felling proposed as part of the proposal. Public access to the site is not permitted, and no public rights of way cross the site.

6.39 In is therefore concluded that the development detailed maintains the character of the river Thames at this location and is therefore considered acceptable.

**7. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

7.1 The development is not CIL liable.

**8. CONSULTATIONS CARRIED OUT**

**Comments from interested parties**

16 occupiers were notified directly of the application.

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

The application was advertised in the Maidenhead Advertiser on 9 June 2016.

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

Comment		Where in the report this is considered
1.	The proposal is in an area of high flood risk and contravenes Policy F1 of the Local Plan and EA guidance.	6.24-6.36
2.	Proposal results in an increase in the prevailing land levels.	6.19-6.23

3.	Increased noise, visual disturbance.	Noted; however, the proposal currently before the Council seeks planning permission for replacement concrete surfacing. The use of the site is existing and operates under a lawful development certificate which has no limitations on the stockpiles that may be stored on site, the hours of working etc. The site also operates with the benefit of an Environmental Permit from the Environment Agency. Whilst both are required for the site to operate, both decisions are taken through the relevant framework applying to each regulatory regime. It is not considered the proposal would impact on the use of the site or its level of intensity.
4.	The concrete surfacing is described as being replacement, but there is no evidence that this is the case. The fact the present surfacing may be a replacement surface adds no weight to the planning argument.	Noted; see section 6.5 – 6.21.
5.	Proposal fails to preserve the openness of the Green Belt.	6.11-6.16
6.	Road is covered in muck/water to keep dust under control.	This is not a matter for consideration under the current planning application, as the site surfacing will complement the use rather than alter it. However, the surfacing should have the benefit of reducing the level of material that is dragged from the site to the road as lorries wheels will be cleaned by the hard surfacing.
7.	Increased traffic and therefore risks to highway safety.	Noted; however, the site has no limitations on vehicle movements in planning terms and therefore it would be unreasonable to now impose movement restrictions of an application to install/renew site infrastructure.
8.	Impact of proposal on Protected Trees.	

### Consultees



Consultee	Comment	Where in the report this is considered
Wraysbury Parish Council	Strongly object on the grounds that legal action is being taken by the EA as to the use of this site. There is no planning to allow for concrete crushing. A bond should be obtained to ensure the restoration of the site.	This is beyond the scope of what can be considered.
Environment Agency	Objection maintained in the absence of compensatory floodplain storage.	Noted.
Lead Local Flood Authority	<p>The following additional information is required to enable this planning application to be considered further:</p> <p>Full design calculations for the proposed drainage system to prove that it is adequately sized to deal with all events up to and including the 1% annual probability rainfall event including allowance for the effects of climate change. This should explicitly include an appropriate freeboard allowance.</p> <p>Evidence of the volume of storage available on the concrete area retained by the proposed raised kerbs. This should be a drawing illustrating the volume of storage available at 100mm intervals and the area this volume would occupy.</p> <p>This information has been provided and we are currently waiting for this information to be reviewed.</p>	Panel update to be provided
Local Highway Authority	No objection	Noted.
RBWM Environmental Protection Officer	No comments received.	Noted
RBWM Ecologist	No comments	
Runnymede Council	No comments received.	Noted
RBWM Tree Officer	<p>There is a Tree Preservation Order 1 of 2007 which mainly covers woodland strips which predominately bound the application site.</p> <p>It appears the new area of proposed concrete is extending close to the edge of the protected woodland, to the south and east. A British Standard 5837 complaint tree survey must therefore be submitted along with a tree protection plan. The root protection areas must be overlaid onto a proposed layout plan. Unless this is submitted it will be difficult to ascertain the impact of the proposal on trees and whether there is an ability to protect those trees. In the absence of this information, I recommend refusal of the application under N6.</p>	In light of the fact that this is replacement concrete surfacing and that a large perimeter bund lies between the concrete surface and the TPO woodland strip it is not considered that the development will adversely

		affect protected trees.
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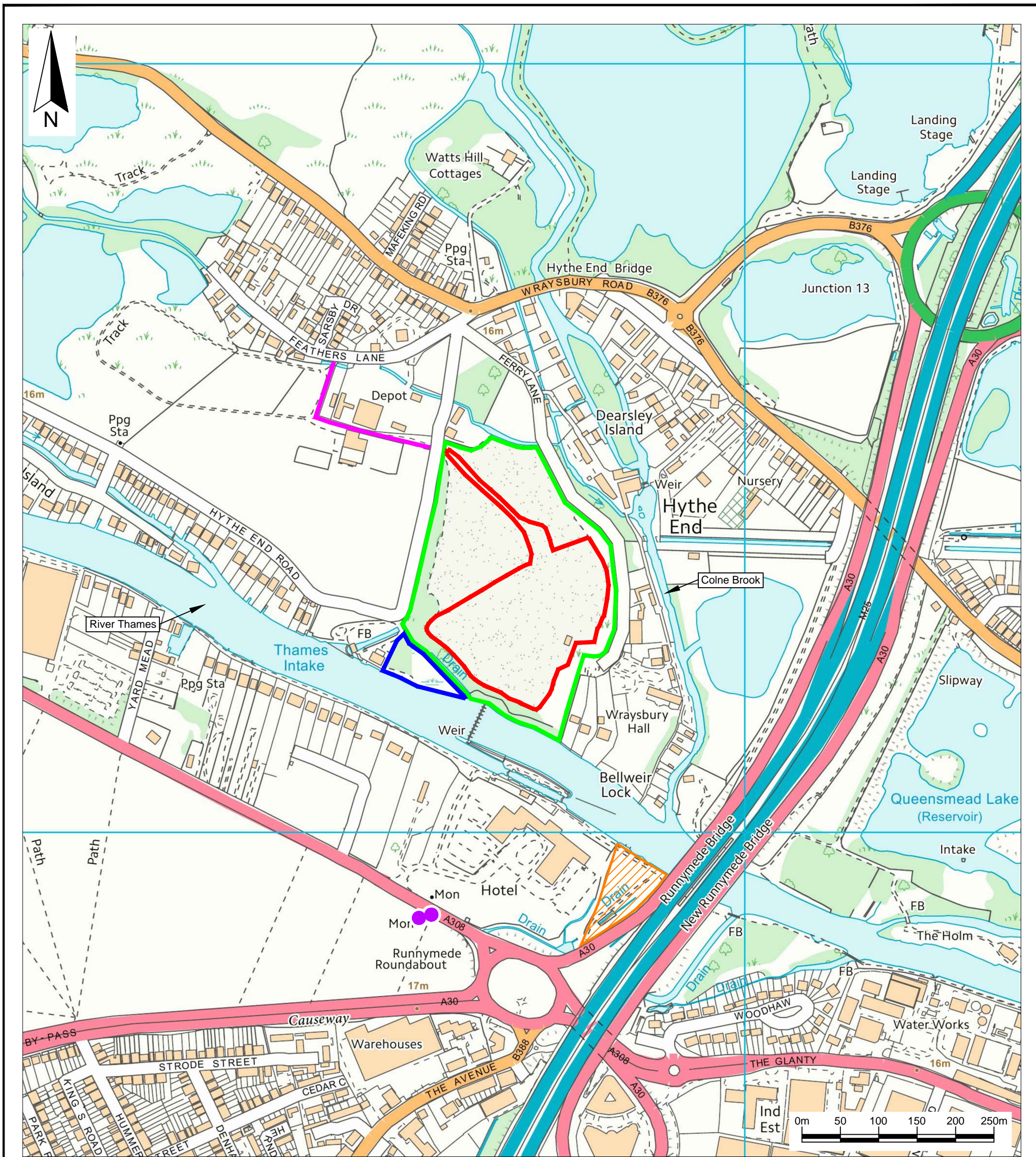
**Other consultees**

Consultee	Comment	Where in the report this is considered
Thames Water	No comments received.	N/A

**9. APPENDICES TO THIS REPORT**

- Appendix A – Site Location Plan
- Appendix B – Summary Site plan

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



**Key / Notes**

- Planning application boundary
- Boundary of the Certificate of Lawful Use (Appn No: 97/75746)
- Boundary of other land under control of the Applicant
- Access route from Feathers Lane
- Approximate location of Scheduled Monument
- Approximate location of Listed Building

Rev	Final	KR	LZH	LH	26/05/16
	Status	Drn	App	Chk	Date
Site HYTHE END ROAD					
Client Fowles Crushed Concrete Limited					
Title The site and surrounding area					
Figure 2					Scale 1:5,000@A3
Drawing Ref FOW/HY/03-16/19260					

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**Key / Notes**

- Planning application boundary
- Boundary of the Certificate of Lawful Use (Appn No: 97/75746)
- Access route from Feathers Lane
- Approximate extent of vegetated areas
- Approximate extent of new concrete surfacing
- Approximate extent of old concrete surfacing
- Approximate extent of hardstanding or other surfaced areas
- Plant maintenance building

Notes:  
Based on model reference GWO-HY-13050.LSS and drawing number R-006 RevA dated September 2015

The Ordnance Survey base plan data was provided by Emapsite on 18 November 2015.

	Final	KR	LZH	LH	26/05/16
Rev	Status	Drm	App	Chk	Date

Site: **HYTHE END ROAD**  
Client: **Fowles Crushed Concrete Limited**  
Title: **Summary site plan**

Figure 3      Scale: 1:1,500@A3  
Drawing Ref: FOW/HY/03-16/19261

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## DEVELOPMENT CONTROL PANEL

4 September 2019

Item: 2

<b>Application No.:</b>	16/02366/FULL
<b>Location:</b>	Fowles Crushed Concrete Hythe End Farm Hythe End Road Wraysbury Staines TW19 5AW
<b>Proposal:</b>	Detached building for the maintenance of plant and machinery associated with the storage before and after processing and processing of waste materials which is the subject of a Certificate of Lawful Use dated 9 September 1998 (retrospective)
<b>Applicant:</b>	Mr Fowles
<b>Agent:</b>	Mr Guy Titman
<b>Parish/Ward:</b>	Wraysbury Parish/Horton & Wraysbury Ward

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

### 1. SUMMARY

- 1.1 The proposal seeks full planning permission for the erection of an enclosed plant maintenance building to allow for the servicing and maintenance of plant and machinery used in conjunction with the lawful use of the site as a waste transfer/sorting facility. The proposed building would be located on a portion of the site that is in close proximity to trees which effectively screen the building from views into the site. In view of the permitted use of the site and the existing Environmental Permits in place regulating the activities undertaken on site, the applicant is considered to have Very Special Circumstances to allow the erection of a building to enable them to maintain items of plant essential to the continued safe operation of the site. In addition, the building will not affect flood flow and storage capacity as the structure is floodable and therefore flood storage will not be affected. Accordingly the development complies with the NPPF policies and Local Plan Policy F1 regarding flooding and flood risk. In any case any limited increase risk or cumulative risk is considered to be outweighed in the planning balance by the benefits of the scheme detailed in the report.

**It is recommended that the Panel DELEGATES the authority to GRANT planning permission to the Head of Planning (with any conditions deemed appropriate).**

### 2. REASON FOR PANEL DETERMINATION

- The Head of Planning considers it appropriate that the Panel determines the application.
- At the request of Cllr Lenton in the event that the application is recommended for approval.

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

- 3.1 The application refers to plant maintenance building (which has been erected) and is located in the northwest corner of the waste transfer station. The building is positioned

on a concrete floor slab with mature trees and the perimeter bund wrapping around the rear and side of the building.

- 3.2 The site is accessed from an existing access to the wider site, from Hythe End Road. The access road is a hard paved surface.
- 3.3 Located to the south and east of the site is the existing working site used for the collection and processing of various waste streams comprising a variety of inert and general builders' wastes. These materials are located on the site to the south, where the machines that would be maintained in the building are used. Further to the east of the site lay more industrial buildings.
- 3.4 Residential properties lie to the north of the site.

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

4.1 The application seeks planning permission for the erection of a plant maintenance building measuring 25m metres long by 16 metres in width and with a height of 8.7 metres. The building has a steel framed construction and is covered in white plastic coated steel panels under a white air filled plastic roof. The building facilitates the maintenance and repair of vehicles operated at the site under cover, allowing works to take place in all weather conditions.

4.2 The building is accessed by four roller shutter steel doors to the front elevation which provide access to the maintenance bays. Additionally, two fire exits are present to the south east and northwest elevations. Internally the building incorporates a concrete floor slab, including an inspection pit. Surface water from the roof of the building discharges to ground. No external lights are affixed to the building.

<b>Ref.</b>	<b>Description</b>	<b>Decision and Date</b>
97/76220	Land to the east of Hythe End Road] Application to ensure that the conditions on the existing old permission concerning operations and restoration are in accordance with the Environmental Act 1995	No objection 1998
75746	Certificate of Lawfulness for an existing use for the storage and processing of excavated / dredged building materials, timber and associated plant and machinery	Approved 9.9.98
02/82412	Erection of 2.4m high compound fencing and retention of existing earth bund	Approved 3.3.05
02/82413	Erection of new gates and fence, wheel wash and weighbridge with widening of existing gateway and alterations to concrete hard surfacing (retrospective)	Refused and allowed on appeal 20.1.05
06/00438	Enforcement Notice relating to the erection of two port-a-cabins, formation of concrete road and relocation of a weighbridge	Allowed on appeal 6.3.07



10/02574	Replacement of two port-a-cabins	Refused and allowed on appeal. Appellant granted a full award of costs against the Council as the Council was unable to reasonably justify the refusal of the application. 2.9.11
11/02599	Installation of security / safety lights (part retrospective)	Application withdrawn
12/00012	Installation of security / safety lighting (part retrospective)	Refused, at appeal
12/00015	Installation of metal security fencing and gates.	Part refused.
12/01230	Erection of metal security fencing and gates (retrospective) (to the east of Hythe End Road)	Granted
12/01431/FULL	Installation of two vehicular barriers	Refused, 30.08.2012
16/01725/FULL	Replacement concrete surfacing associated with the lawful storage and processing of waste material, with associated drainage infrastructure and access ramps (part retrospective)	Recommended for approval on this agenda
18/02581/FULL	Replacement concrete surfacing associated with the lawful storage and processing of waste material, with associated drainage infrastructure and speed bumps (part retrospective).	Pending consideration

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

### 5.1 National Planning Policy Framework Paragraphs:

133, 134, 143, 144, 145 referring to Green Belt land.

### 5.2 Replacement Waste Local Plan

Sustainable Development	Is development Needed	Waste Management Facilities – non-landfill	Assessing the Impact of Development Proposals
WLP1	WLP27, 28, 29	WLP16	WLP30

### Royal Borough Local Plan

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

Within settlement area	Highways and Parking	Trees	Flood risk
DG1	T5	N6	F1

These policies can be found at [https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](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 Proposed Submission Document was published in June 2017. Public consultation runs from 30 June to 26 August 2017 with the intention to submit the Plan to the Planning Inspectorate in October 2017. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

This document can be found at:

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

### **Supplementary planning documents**

5.4 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](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 Need for the Development
- ii Impact on character and appearance of the area
- iii Impact on the Green Belt
- iv Impact on Highway Safety and Capacity
- v Impact on Flood risk

## Need for Development

6.2 The wider site currently operates with the benefit of a Lawful Development Certificate granted in 1998 (97/75746) with the following description 'storage before and after processing and processing of excavated/dredged/builders material, timber with associated plant and machinery'. The site currently operates as a recovery/sorting facility for the reclamation. Recycling of materials recovered from building site either through the deposition of material from skips, or lorries tipping material at the site for sorting. As a result of this use, the site uses a significant number of pieces of machinery, which prior to the erection of the building were maintained out in the open. Not only is this undesirable from a staff welfare perspective, it would also increase the risk of pollution from working on such vehicles where oils and fluids could be spilled onto unmade ground and would pose a hazard to the water environment.

6.3 In this regard, Policy WLP1 advises that:

*'In identifying land or considering proposals for waste management development the Local Planning Authorities will have regard to the extent to which the development is sustainable in form and location and helps to conserve natural resources and the human and natural environment, and minimises traffic congestion, travel distances, waste generation and pollution, and adverse impacts on humans and the natural environment.'*

6.4 At the present time, without an on-site maintenance facility, larger items of plant and machinery that could not be dealt with by a mobile maintenance service would have to be recovered from the site, repaired/serviced and then returned. Due to the nature of the machinery used on site, this may necessitate the use of a low loader or similar flatbed vehicle. There is also a significant quantity of machinery requiring servicing and storage. In terms of Policy WLP1, the building serves a valuable ancillary function for an existing waste management facility, and therefore the provisions of WLP1 would therefore apply to the building. The site is a large and relatively well-run operation with significant plant and machinery needs. Buildings of such a nature are often found on waste management sites of this nature. Whilst there are other buildings on the site these are general staff buildings and prior to the erection of this building there was no indoor environment for the servicing of its machinery, given the scale of the operation and the need generated it is considered reasonable for such a facility to be located on site. The proposal is considered to accord with these provisions of policy WLP1. Further detailed assessment of the relevant provisions will be undertaken in the following sections.

6.5 In addition, Policy WLP16 advises that:

*'Outside Preferred Areas, proposals for waste management development other than landfill will normally be permitted on sites within existing permanent waste management facilities or within existing or proposed industrial areas [i.e. areas containing a proportion of uses in the Use Classes categories B2 to B8), subject to:*

- (i) consideration of environmental impacts; and*
- (ii) the proposals overcoming or accommodating all constraints deriving from the considerations set out in Policies WLP27 and WLP29 to WLP33 and all other relevant policies of the Plan.'*

In this context, the site is part of an existing lawful waste management site that is not within one of the preferred areas as identified by the Waste Local Plan (WLP). The

principle of new development on the site is therefore acceptable in principle, subject to adequately demonstrating that the remaining relevant policies of the plan, and any other relevant policies, have been met.

Such an assessment will be undertaken in the following sections of the report.

### **Impact on Character and Appearance of the Area**

6.6 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) that describes the site, the nature of the development and what impacts, if any, the development would have.

6.7 The location of the maintenance building is in the northwest corner of the site, and is afforded screening from tree planting to the north, existing site infrastructure and stockpiles, an existing soil bund with planting and various other planted features. Views into the site are extremely restricted, with glimpse views being possible through vegetation and over fences that exist outside the site.

6.8 The existing site, with its lawful use as a waste management site, has the appearance of an industrial area, with various stockpiles of both processed and unprocessed material, machinery, storage bays, surfacing and other site infrastructure. Having visited the site and considered the operational needs of the site it is considered that the building is of an acceptable and proportional size and its' dimensions are not considered excessive. Whilst the proposed building is located some distance from the other buildings within the site, the level of screening the building is afforded makes views of the building from outside the site extremely limited.

6.9 Due to the lack of visibility of the building from publicly accessible areas, it is unlikely that it will be perceived within the environment as adding to, or detracting from, the character of the area. Due to the existing site context it is considered unlikely that the building would result in a harmful impact on the character or appearance of the area. The LVIA concludes that the building would have a neutral effect on the character and appearance of the area.

### **Impact on the Green Belt**

6.10 The site is located within the Green Belt, and as such must accord with the various Policy Provisions of the NPPF, WLP and The Royal Borough of Windsor and Maidenhead Local Plan.

6.11 Paragraph 133 of the NPPF advises that:

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

6.12 In terms of the building detailed, it is located within a site that is already characterised as a waste management facility, and would be located in a position on the site in close proximity to stockpiles of material. Other buildings of similar size and form are present in the vicinity on neighbouring sites. Whilst the site is not visible from outside, this does not impact upon the 'openness' of the site. However, the presence of other very similar structures nearby, and the site context would prevent one from describing the site as truly 'open', with the nature already established as that of a working waste management site. In terms of the five purposes of Green Belts set out at paragraph 134 in the NPPF, namely;

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns;
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The site in question would not appear to fall within any of the listed categories and as a result it would fall to later paragraphs in the NPPF to provide further guidance.

6.13 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances (VSC). If a development is considered to be harmful to the Green Belt through inappropriateness, in order for VSC to enable the development to be permitted, they must outweigh the harm that would be caused to the Green Belt.

6.14 Paragraph 145 of the NPPF provides some exceptions for development which would be considered acceptable within a Green Belt, and of these exceptions the most relevant is:

*'limited infill or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater adverse impact on the openness of the Green Belt than the existing development'...*

6.15 The applicant asserts that the subject building can be considered partial redevelopment of a previously developed site subject to the impact on the openness of the Green Belt. The LPA does not consider the site to be previously developed land (as defined in the NPPF), neither does it consider that the subject development falls within one of the exemptions set out in the NPPF. In this respect the building must be considered as inappropriate development in the Green Belt that can only be considered acceptable if VSC outweighs the harm through inappropriateness and any harm arising from any loss of openness.

6.16 The requirement for a development to establish VSC for development within the Green Belt is also contained with Local Plan Policies GB1 and GB2. Policy GB2 specifically states that:

Permission will not be granted for new development or the redevelopment, change of use, or replacement of existing buildings within the green belt if it would:

a) have a greater impact on the openness of the Green Belt or the purposes of including land in it than an existing development on the site;

b) harm the character of the countryside because of:

1) the scale, siting or design of the development or the materials employed; or

2) a material intensification in the level of activity on the site; or

3) a material increase in the scale of development on the site; or

4) the permanent loss of grade 1, 2 or 3a agricultural land or of

woodlands; or

5) harm to residential amenities in the locality;

or

6) conflict with any other policies of the plan.

- 6.17 The building has been erected on a section of the site that was previously undeveloped. It is a sizeable structure and therefore does affect openness. However, the building is located in a corner of the existing operational site and is located in such a position that it is afforded significant screening from publicly accessible viewpoints. Having visited the site and considered the operational needs of the lawfully run operation it is considered that the building is of an acceptable and proportional size and its' dimensions are not considered excessive for the needs of the business. It is positioned in a location that is characterised by other industrial development, both to the immediate and more distant east, and to the south where the existing site workings are present. The existing site has a number of site offices and staff facilities and along with the presence of the industrial buildings and works further to the east, there is already a built up industrial feel to the planning unit. The presence of stockpiles of material adds to this feel, and these are located immediately beyond the site access road to the east. In this context the building is not considered to be unduly harmful as it would be read in the context of the wider operational site and be of a form and style that already exists in the area. The impact on openness must be considered in the context that the site can (and does) lawfully store stockpiles of waste (comparable in height to this building) that will have the same impact on openness than the development that is the subject of this application. There are no controls on the storage of these stockpiles and as such the lawful use of the site and fact that the use is unrestricted is a material consideration in assessing the impact of the building on the openness of the wider site. The building is considered to be of an acceptable and proportional size though some impact on the openness of green belt would arise.
- 6.18 It is considered that the scale, siting, design and materials utilised in the development are unlikely to harm the designation of the Green Belt. As previously stated, the context of the site is that of a waste transfer station, which by its very nature will have various objects and structures on site. These are not limited to, but will include site offices, staff welfare facilities, weighbridge storage bays, tipping bays, stockpiles of material including raw tipped material awaiting sorting/grading/processing, processed materials such as secondary aggregate, waste materials sorted from general builders and construction and demolition waste, skip waste and storage of skips. Given this context, whilst the materials chosen for the building could have been more sympathetically coloured, by reason of the surrounding context, the building is considered acceptable.
- 6.19 The building is required to enable the maintenance of plant and machinery used in the lawful operation of the site as a waste transfer facility. The plant and machinery operated at the site requires significant and on-going maintenance, and as a result a requirement has been identified for a plant maintenance building to enable the servicing to be carried out under cover. Prior to the erection of the building, maintenance of plant and machinery was carried out in the open, and larger plant and machinery would need to be removed from the site and then returned, increasing the number of vehicle movements to and from the site. The building is considered to be ancillary to, and inextricably linked to, the lawful use of the site as a waste transfer facility, which is also a site operating with an Environmental Permit from the Environment Agency. Having given due consideration to the operation of the site and

its benefits these elements would suggest that Very Special Circumstances for allowing the building would exist, which would outweigh any potential impact to the green belt which would amount to VSC. As the maintenance building would be used for machinery used on the site, it is not considered that this would result in an intensification of use on the site and the development could not be more appropriately located elsewhere.

- 6.20 The building is considered to be relatively small and proportionate in scale when compared to the existing permitted uses on the site and those in the vicinity that are also of an industrial nature. It is considered that the building when seen in the context of the wider site is not considered to amount to a material increase in the scale of development on the site.
- 6.21 It is considered that the harm identified through inappropriateness and the limited impact on openness are outweighed by the unrestricted use of the planning unit (and the development associated with it), the fact that the building is required in conjunction with the lawful use of the site and that its existence reduces the need for plant/machinery to be removed from site thereby reducing traffic movements which is more sustainable, the proposal also has benefits in supporting needed waste processing facilities, as well as benefits to employment and staff welfare. As such whilst some harm to openness has been identified this is clearly outweighed by the benefits of the scheme.

#### **Impact on Highway Safety and Capacity**

- 6.22 The application refers to the retention of an existing building used for the maintenance of plant and machinery used on site as part of the sites permitted use as a waste transfer station. The application does not indicate that there would be a likelihood of a material change in the amount of vehicular traffic entering the site. It should also be noted that the site currently operates under a Certificate of Lawful Development where there is no restriction on the number of vehicles that can access the site.
- 6.23 In addition to the above, it is noted that the Local Highway Authority raised no objections to the proposals.

#### **Impact on Flood Risk**

- 6.24 The site is at high risk of flooding, it is positioned within Flood Zone 3. The Borough's Strategic Flood Risk Assessment (SFRA) which maps the extent of Flood Zone 3b (functional flood plain) indicates that approximately two thirds of the building are located within Flood Zone 3a and the north eastern third is within Flood Zone 3b.
- 6.25 Paragraph 155 of the NPPF states that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.
- 6.26 Paragraph 163 further stipulates that when determining applications, Local Planning Authorities (LPAs) should not increase flood risk elsewhere. Where appropriate, applications should be supported by a site specific flood risk assessment and development should only be allowed in areas at risk of flooding where, in the light of this assessment and the sequential and exception test (as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

6.27 The applicant in a letter dated the 15<sup>th</sup> July 2016 submitted with the application form states the following with reference to the sequential test:

*'The PPG states that a pragmatic approach on the availability of alternative sites for development should be taken. The plant maintenance building provides for the maintenance of plant and machinery used at the site in all weather conditions. By their nature the plant and machinery used at the site for the storage before and after processing and processing of the waste materials specified by the CLU necessitates significant and ongoing maintenance hence the plant maintenance building is an essential component of the operations at the site the subject of the CLU and it would not be practicable to carry out the maintenance at another site. No further consideration of the Sequential Test is applicable.'*

6.28 Whilst it is recognised that the applicant has technically failed to comply with the sequential test, the 'development that is the subject of this application relates to an already developed site, and therefore a sequential test is unnecessary (Watermead Parish Council v Aylesbury Vale District Council Crematoria Management Ltd 2017). The site lawfully operates as a waste transfer site and the plant/maintenance building is reasonably required in conjunction with the lawful use. It is neither logical nor reasonable to consider that the building is located elsewhere, it is inextricably linked to the planning unit and therefore an alternative location is not feasible.

6.29 Paragraph 159 of the NPPF details that if it is not possible to locate development in zones with a lower risk of flooding the exception test may have to be applied. The need for the exception test depends on the vulnerability of the site and the development proposed as detailed in the NPPG.

6.30 The development that is the subject of this application relates to a waste treatment site which is classified as 'less vulnerable development' in accordance with table two of the NPPG. Tables 1 and 3 of the NPPG (refs 7-065-20140306 and 7-067-20140306) detail that less vulnerable development is acceptable in Flood Zone 3a but not in 3b.

6.31 If the building was entirely located within Flood Zone 3, the applicant would not be required to comply with the exception test. As one third of the building is within Flood Zone 3b (less than 100m squared) it must be demonstrated that the development will not increase flood risk elsewhere or reduce flood risk overall.

6.32 The Environment Agency have objected to the application on the basis that the submitted FRA does not provide a suitable basis for the assessment of flood risk arising from the proposed development. However, the application demonstrates that the building will not affect flood flow and storage capacity as the structure is floodable



and therefore flood storage will not be affected. Accordingly the development complies with the NPPF policies and Local Plan Policy F1 regarding flooding and flood risk. In any case any limited increased risk or cumulative risk is considered to be outweighed in the planning balance by the benefits of the scheme previously listed.

**7. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

7.1 The proposal is not CIL liable.

**8. CONSULTATIONS CARRIED OUT**

**Comments from interested parties**

16 occupiers were notified directly of the application.

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

The application was advertised in the Maidenhead Advertiser on 9 June 2016.

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

	Comment	Where in the report this is considered
1.	The proposal is contrary to Policy F1 of the Local Plan and Environment Agency Policy regarding flood risk (24)	6.24-6.32

2.	There is no requirement for the building. Mobile services are available and the site has only a 160 ton licence. (10)	Noted. It is not uncommon for sites managing the sorting and transfer of waste to have a dedicated maintenance building so that machines and equipment can be attended to as soon as a failure occurs without having to wait for a call-out of a mobile service. This would also assist in preventing an accumulation of material on site. It should be noted that the 160 ton limitation refers to the Environment Agency permit that the site also operates under. There is no such limitation on the Certificate.
3.	The building fails the Green Belt 'openness' test (14)	Noted; see sections 6.10 – 6.22, above.

4.	Continued operation of the site represents a danger to highway safety (7)	Noted; however the site does not have any limitation on the rate of importation or vehicle movements imposed on the Certificate of Lawfulness which covers the site. The current proposal would be utilised by vehicles on site and therefore it is not considered a planning condition attempting to restrict the vehicle numbers entering the site would pass the required tests.
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### Statutory consultees

Consultee	Comment	Where in the report this is considered
Wraysbury Parish Council	Object to the construction of a detached building on this site.	Noted. Consideration given to building and its impact on the character and appearance of the area and the Green Belt in the main report.
Local Highway Authority	No objection	Noted.
Lead Local Flood Authority	The building has a total floor area of approximately 400m <sup>2</sup> and therefore it is not classified as major development according to The Town and Country Planning (Development Management Procedure)( England) Order 2015. Schedule 4 of this document states that the Lead Local Flood Authority only needs to be consulted on major development with	Noted

	surface water drainage and therefore the LLFA does not need to approve the surface water drainage provision for this planning application.	
RBWM Environmental Protection Officer	No comments received	

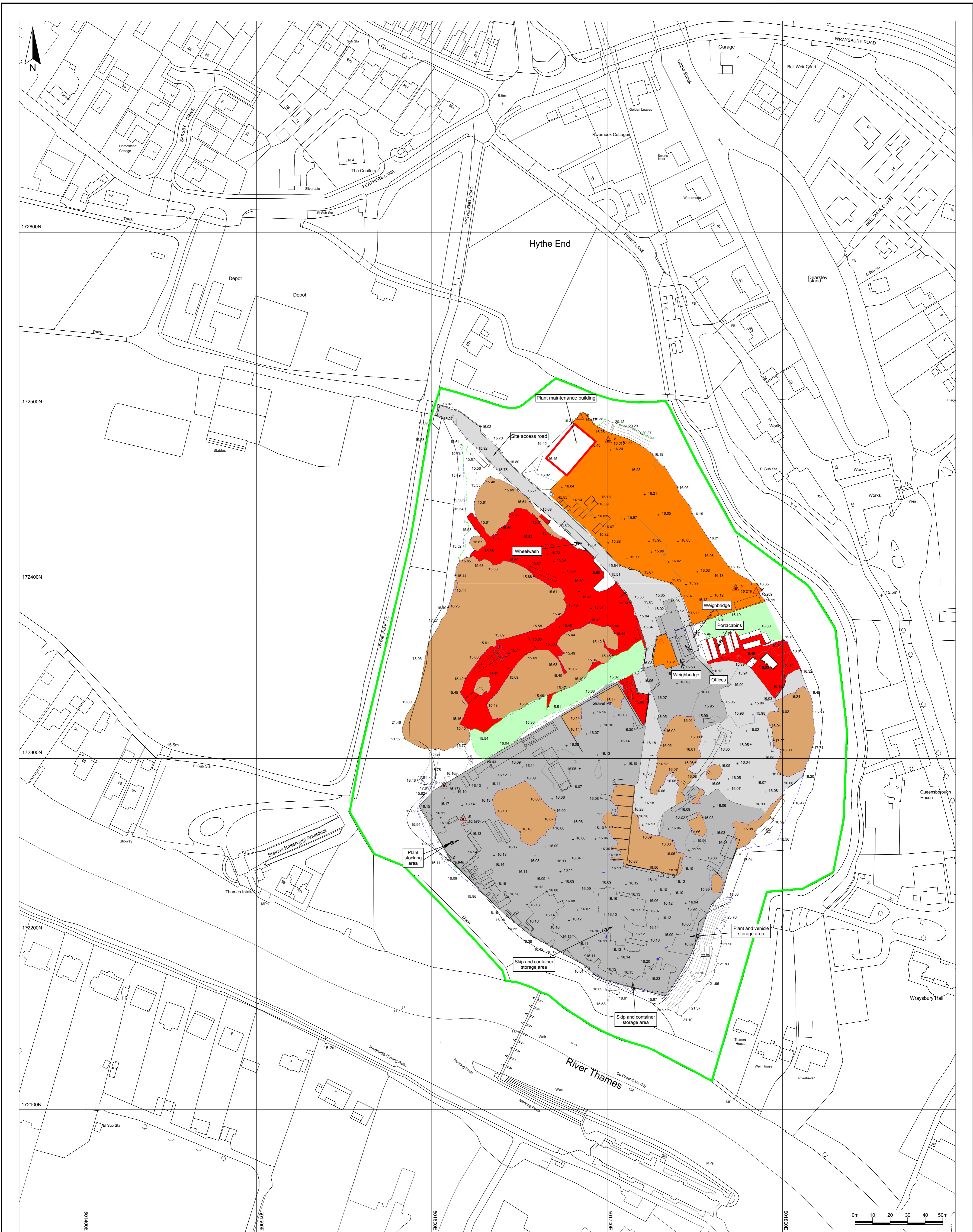
**9. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan and site layout
- Appendix B –Elevations / plan of building

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

The building hereby approved shall be used only used for the servicing and maintenance of plant and machinery used in conjunction with the lawful use of the site as a waste transfer/sorting facility. The building shall be completely removed from the application site when it is no longer required for such purposes.

Reason: To safeguard the Green Belt from inappropriate development as the building is only acceptable in conjunction with the use of the site as a waste transfer/sorting facility. Relevant Policies Local Plan GB1, GB2.



Key / Notes	
	Planning application boundary
	Boundary of the Certificate of Lawful Use (Appn No: 977/5746)
	Spot heights (mAOD)
	Contours (mAOD)
	Top of bank
	Bottom of bank
	Change of surface
	Verge
	Fenceline
	Building/Road
	Gate
	Manhole
	Survey station
	Extent of stockpile areas
	Extent of vegetated areas within the area surveyed
	Extent of replacement concrete surfacing
	Extent of old concrete surfacing
	Extent of areas covered with gravel
	Extent of hardstanding

Final	KR	KE	LH	13/07/16	
Rev	Status	Drn	App	Chk	Date
Site: HYTHE END ROAD					
Client: Fowles Crushed Concrete Limited					
Title: The results of the topographical survey carried out on 27 October 2015					
Notes: Based on model reference GWO-HY-13050 LSS The site survey data is based on the OSGB36 datum established using a Leica GPS system on 27 October 2015 and post processed using Leica Geo Office and Ordnance Survey RINEX data. The Ordnance Survey base plan data was provided by Emapsite on 18 November 2015.					
Figure 4		Scale: 1:1,000@A1			

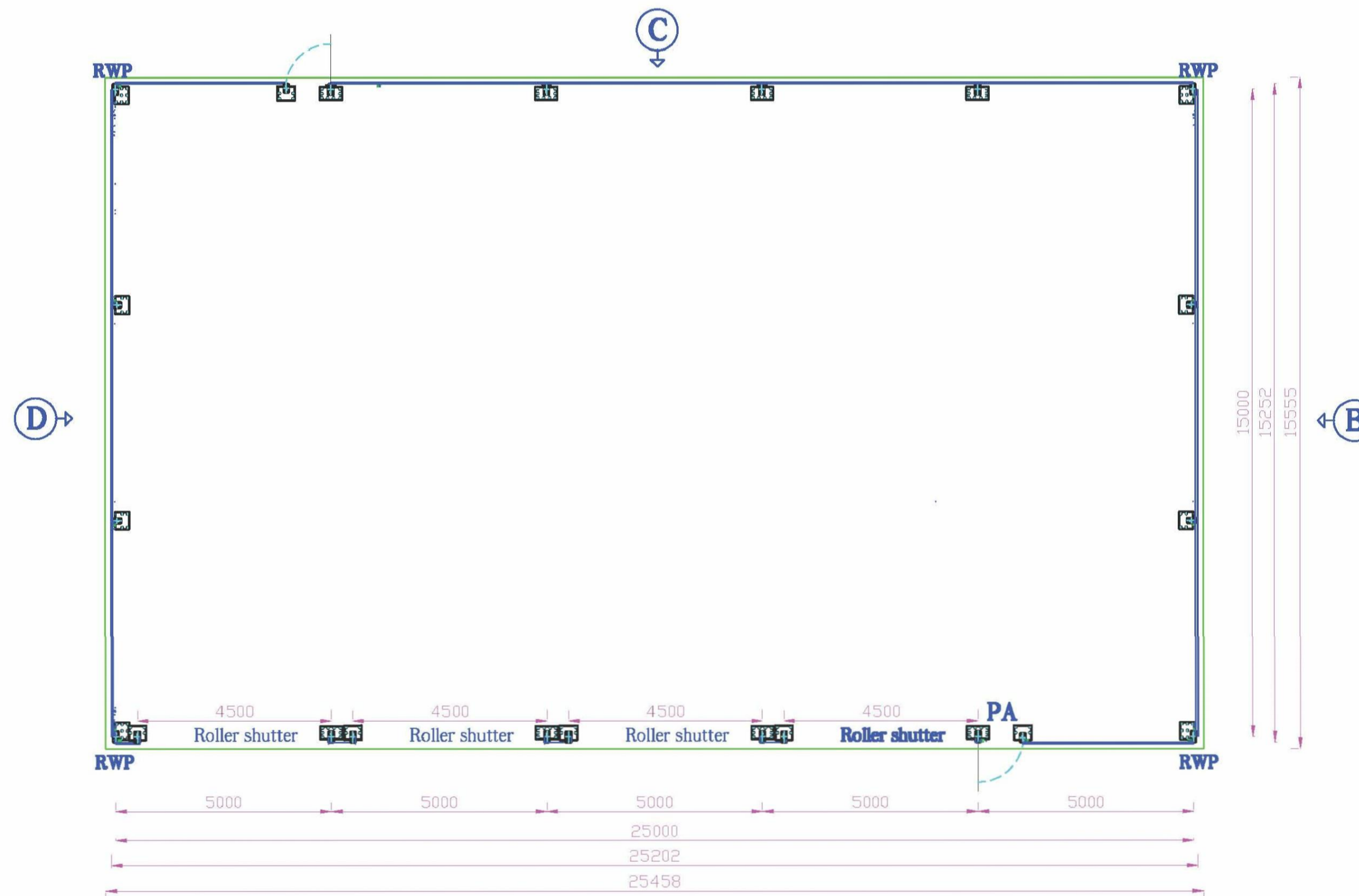
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**Building Details**

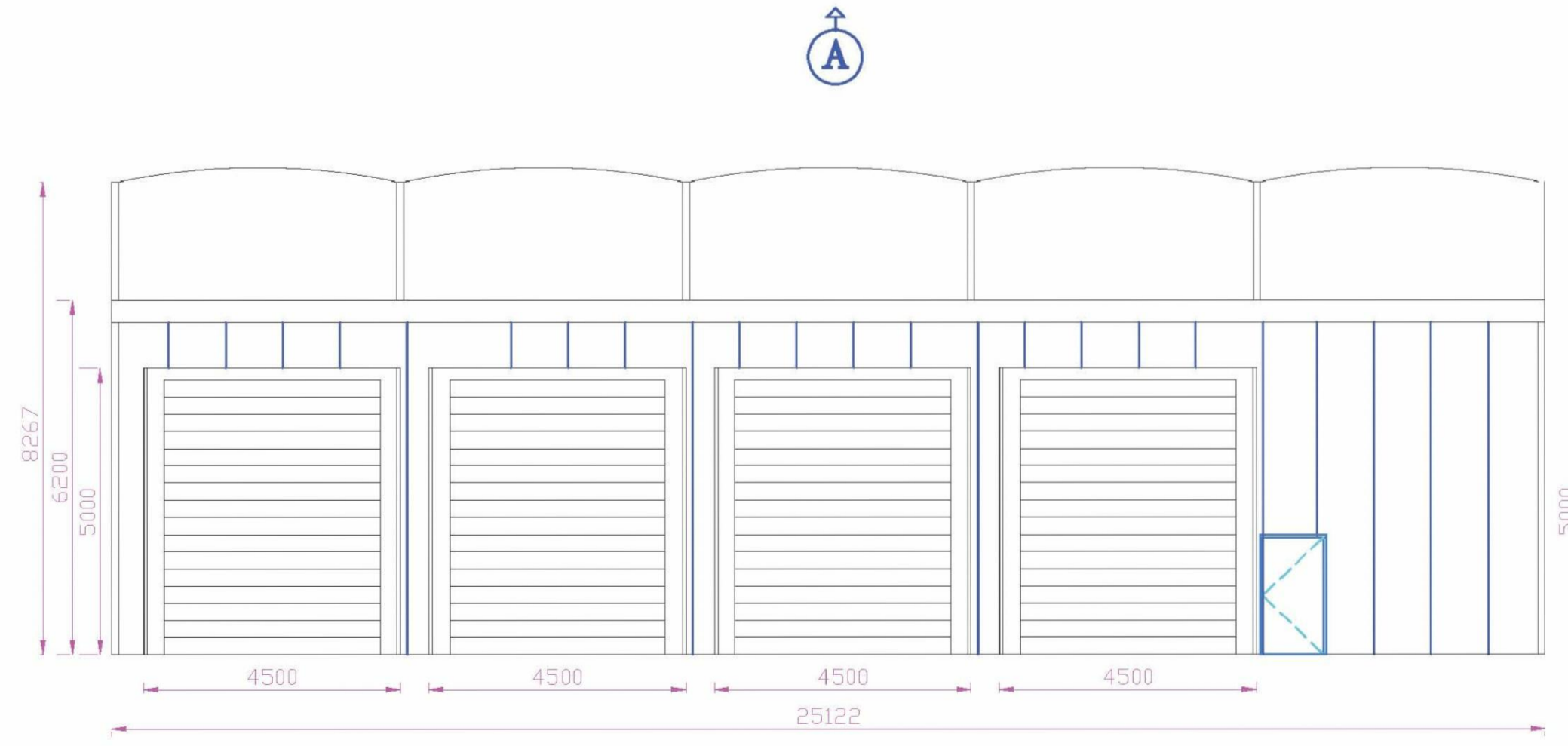
Smart space 15 x 25 x 6.2mtr Side Height External  
 White Insulated Roof Covers insulated  
 40mm composite wall panels  
 4no 4.5 x 5mtr roller doors  
 2No Number single steel lockable personnel door  
 5No low bay lights  
 Please note sizes shown are central of legs and overall dimensions



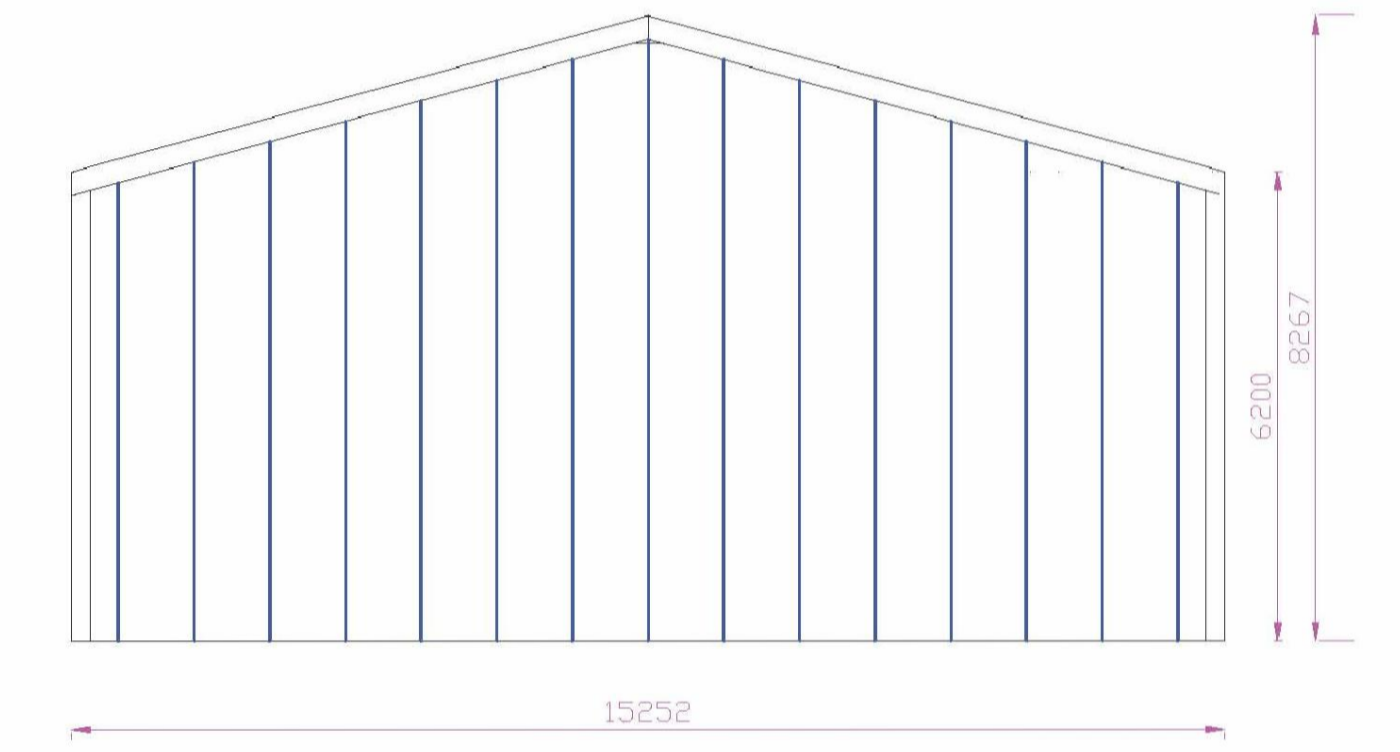
**SIDE ELEVATION OF BUILDING (C)**



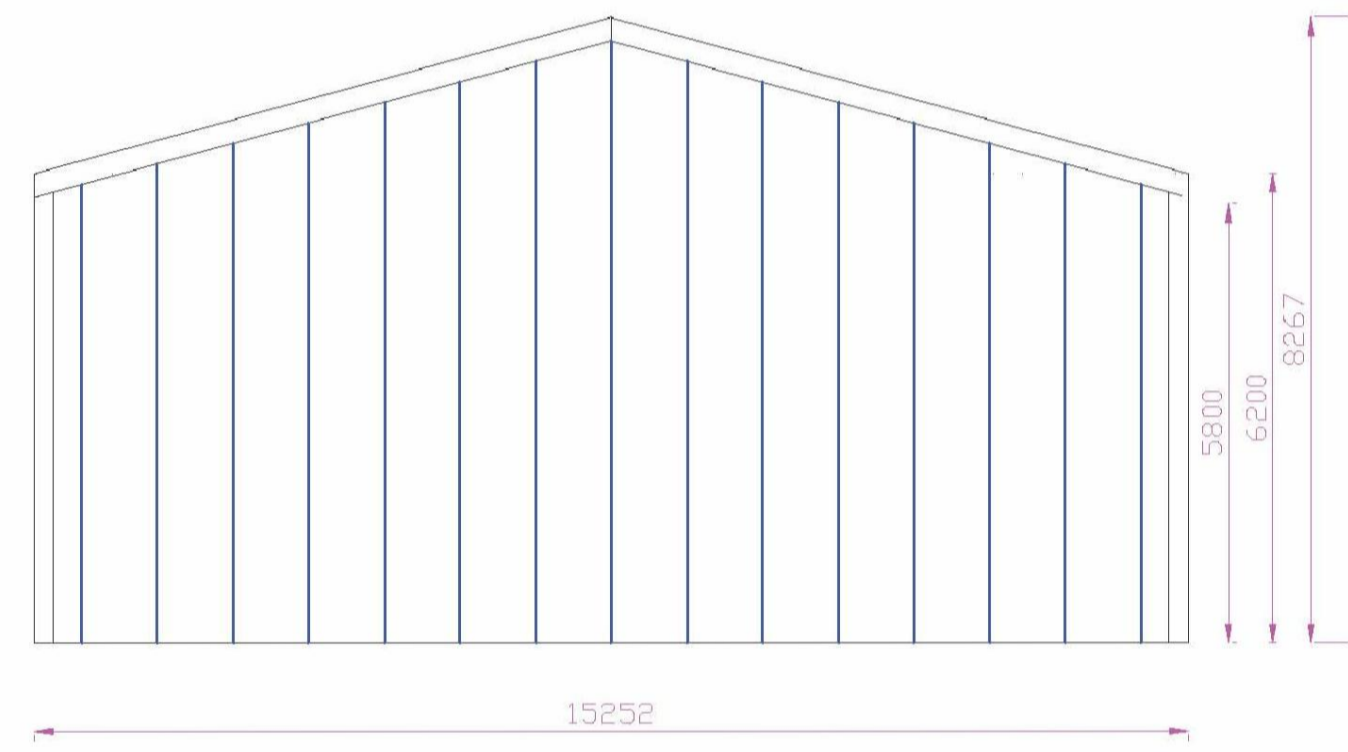
**PLAN VIEW SHOWING BUILDING**



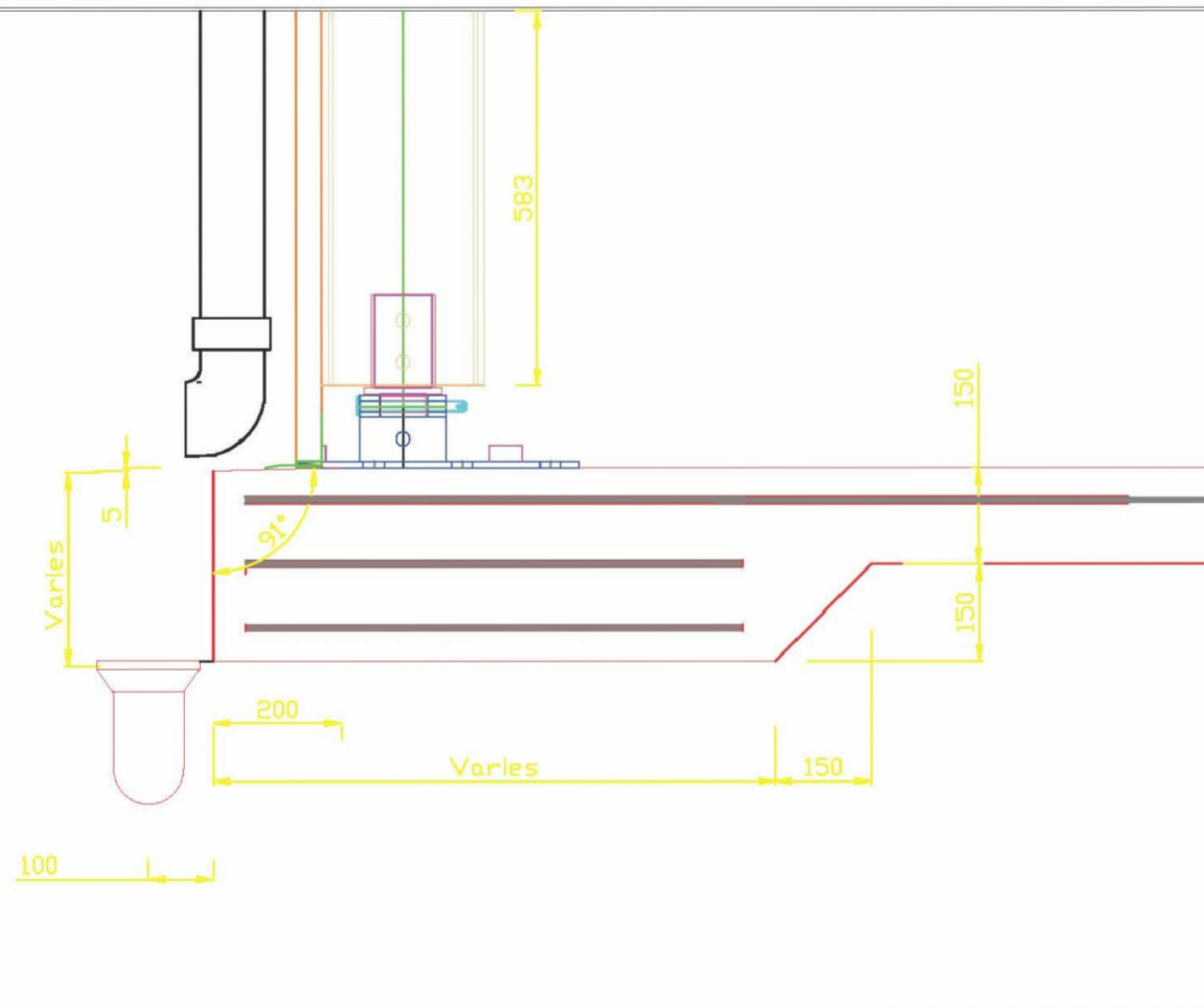
**SIDE ELEVATION OF BUILDING (A)**



**END ELEVATION OF BUILDING (B)**



**END ELEVATION OF BUILDING (D)**



Typical base detail (Dependent on site conditions)

<b>REVISION</b>	
<p>The portable venues group                  Ltd                  T.A. Smart Space Buildings                  MANOR HOUSE FARM                  DORDON HALL LANE                  GRENDON                  WARWICKSHIRE                  TEL. 01827 330000</p>	
<b>CLIENT</b>	Tim Fowles
<b>CONTRACT</b>	Fowles Harlage
<b>ITEM</b>	Temporary Building
<b>DATE</b>	27/05/2015
<b>SCALE</b>	1:100 ©A1
<b>DRG.No.</b>	SSAF3099

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## DEVELOPMENT CONTROL PANEL

4 September 2019

Item: 3

<b>Application No.:</b>	18/03747/FULL
<b>Location:</b>	Mile Stones Queens Hill Rise Ascot SL5 7DP
<b>Proposal:</b>	Construction of two blocks comprising 18 no. apartments with basement parking and improvements to existing access from Queens Hill following demolition of existing dwellinghouse and outbuildings.
<b>Applicant:</b>	Searchfield Homes Limited
<b>Agent:</b>	Mr Paul Dickinson
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish/Ascot And Cheapside Ward
<b>If you have a question about this report, please contact:</b> Jo Richards on 01628 682955 or at <a href="mailto:jo.richards@rbwm.gov.uk">jo.richards@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 This application is being reported back to panel following the request for amendments/additional information relating to the positioning of block 2 in relation to the neighbouring property to the rear, Ballards, the inclusion of an additional passing bay on the access road and further information regarding loss of trees and landscaping.
- 1.2 Permission is sought for the construction of two buildings comprising a total of 18 apartments following demolition of the existing single detached dwellinghouse. Access to the site would be through the existing secondary access off Queens Hill, immediately to the west of the application site. An entrance gate is proposed to be erected part way along the existing driveway into Mile Stones from Queens Hill.
- 1.3 This application follows a previous application for 22 apartments (ref: 18/01464/FULL) which was refused on nine grounds including impact on the character of the area, impact on neighbours, impact on trees, highways, ecology (impact on the SPA and bats), drainage/flood risk, lack of a development brief and lack of affordable housing.
- 1.4 The application has been revised significantly to overcome the harm to the character of the area, neighbouring occupants and trees. Access is now to be taken off Queens Hill thus avoiding a new access point onto London Road. Subject to the outstanding matters listed below which are nearing resolution, the Council is satisfied that the proposal has overcome all previous concerns. In the event that the outstanding issues cannot be resolved within 4 weeks of the panel date, it is recommended that the Head of Planning be given authority to refuse the application if she is not content that the outstanding matters are progressing satisfactorily.

<b>It is recommended the Panel authorises the Head of Planning:</b>	
1.	<b>To grant planning permission:</b>
	<ul style="list-style-type: none"> <li>• on the satisfactory completion of a section 111 agreement being secured for SAMM/SANG payments; and</li> <li>• subject to favourable comments from the DVS in relation to the applicant's viability statement; and</li> <li>• with the conditions listed in Section 13 of this report.</li> </ul>

2.	<p><b>To refuse planning permission:</b></p> <p><b>1</b> if an undertaking to secure the required section 111 agreement is not satisfactorily progressed as the proposed development would not provide mitigation for the likely impacts on the Thames Basin Heaths Special Protection Area; and/or</p> <p><b>2</b> unfavourable comments are received from the DVS in relation to the applicant's viability statement as the proposed development would not have robustly justified that there is no affordable housing requirement.</p>
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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 application site comprises a single detached dwellinghouse in substantial grounds. The site lies within a settlement area and within a Townscape Character Area defined as 'Villas in a Woodland Setting' which is typified by very low density development comprising large houses set in generous tree lined plots.
- 3.2 The main access to the site is currently via Queens Hill Rise, a private road accessed via a priority junction onto Cheapside Road, which in turn has a priority junction onto London Road. There is a secondary access via Queens Hill onto London Road. There is also a gated pedestrian access directly onto London Road.
- 3.3 The site contains many mature trees along the site boundaries and within the central areas of the site. These trees are covered by an Area TPO.
- 3.4 Other sites within Queens Hill Rise contain single detached dwellings, however it is noted that apartment buildings exist on London Road.

## **4. KEY CONSTRAINTS**

- 4.1 Thames Basin Heaths SPA 5km buffer zone  
Area TPO

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

- 5.1 Planning permission is sought for the erection of two blocks comprising a total of 18 apartments. Block 1 is to be positioned in the western part of the site containing 9 apartments (4 2-bed and 5 3-bed), Block 2 positioned in the north part of the site, containing 9 apartments (4 2-bed and 5 3-bed). Both apartment blocks are 3 storeys high with a main roof height of 11.2m.
- 5.2 Access is to be taken from Queens Hill to the west of the site and the existing driveway will be upgraded and extended leading to a central turning/parking area and a ramp leading down to basement parking under each block. Parking will primarily be provided within a basement area for each apartment block with 6 surface level visitor spaces adjacent to the central turning area.
- 5.3 This application follows a previous similar application (ref: 18/01464/FULL) for the redevelopment of this site for 3 blocks of apartments (22 in total) with access onto

London Road. This application was refused for 9 reasons including; impact on character, trees, neighbours, highway safety, ecology, impact on the SPA, lack of affordable housing and drainage.

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

6.1 The main Development Plan policies applying to the site are:

Issue	Local Plan Policy
Design in keeping with character of area	DG1
Acceptable impact on appearance of area	DG1, H10 H11
Acceptable impact when viewed from nearby occupiers	H10, H11
Maintains acceptable level of privacy for nearby residents	H10, H11
Maintains acceptable level of daylight and sunlight for nearby occupiers	H10, H11
Sufficient parking space available	P4
Acceptable impact on the highway	T5
Acceptable impact on trees important to the area	N6
Mitigation for Thames Basin Heath Special	T6, R3, IMP1
Acceptable impact on Public Rights of Way such as public footpaths or bridleways	R14

These policies can be found at [https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

### Adopted Ascot Sunninghill and Sunningdale Neighbourhood Plan (2011-2026)

Issue	Neighbourhood Plan Policy
Design in keeping with character and appearance of area	DG1, DG2 and DG3
Housing	H1, H2
Highways	T1
Trees	EN2

These policies can be found at [https://www3.rbwm.gov.uk/info/200209/planning\\_policy/477/neighbourhood\\_plans/2](https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2)

### Adopted the South East Plan – Regional Spatial Strategy

Issue	Plan Policy
Thames Basin Heaths Special Protection Area	NRM6

## 7. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2019)

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting Sustainable Transport
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Provision of high quality housing	HO2, HO5
Natural Environment	NR2, EP2, EP3, EP4
Makes suitable provision for infrastructure	IF1
Transport and parking	IF2

- 7.1 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 detail in the assessment below.
- 7.2 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### Supplementary Planning Documents

- RBWM Thames Basin Health's SPA

## Other Local Strategies or Publications

7.3 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Affordable Housing Planning Guidance

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

51 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 15<sup>th</sup> January 2019 and the application was advertised in the Local Press on 17<sup>th</sup> January 2019.

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

Comment		Where in the report this is considered
1.	Occupiers of South Lodge were not notified	Further neighbour notification letters were sent out
2.	Impact on neighbouring occupants of Ballards as a result of the scale and positioning of Block 2 in close proximity to the common boundary. The block has also been increased in width. The rear elevation of this block has a significant number of windows which would result in overlooking. There is insufficient tree screening to overcome the harm and loss of outlook.	See section ii.
3.	The proposal would be harmful to the character of the area as a result of the increase in density and scale and mass of development. Overdevelopment and out of character with Villas in a Woodland Setting	See section i.
4.	The revised application has not overcome all previous concerns raised by the Council, including affordable housing, submission of a development brief and impact on Flood Risk.	See main report.
5.	The vehicular access should remain off Queens Hill Rise. The increased use of Queens Hill would have a detrimental impact on highway safety.	See section iii.
6.	The bin storage arrangements are not clear. Currently refuse vehicles have to reverse into Queens Hill off London Road	See section iii.
7.	Inadequacies with the transport statement	See section iii.
8.	Neither the transport statement nor the RBWM Highway comments acknowledge that the entrance to Queens Hill off London Road allows for single vehicular traffic. The intensification of this access point would result in cars waiting on London Road.	See section iii.

9.	The access off London Road onto Queens Hill is not within the control of the applicant	See section iii.
10.	Inadequate level of public consultation. No development brief submitted	See section vii.
11.	The design of the proposed apartment blocks is detrimental to the character of the area	See section i.
12.	The access arrangement will interfere with current visitor parking for South Lodge and will impede access for emergency and refuse vehicles	See section iii.
13.	Cars park illegally on London Road which compromises views of approaching vehicles	See section iii.
14.	Queens Hill is a private unadopted road and the applicant has no control over parking on the road and that the area for the new access will be kept free from parked cars	
15.	At peak times there is likely to be a queue of traffic on Queens Hill.	See section iii
16.	The Highways comments do not fully assess the impact on Queens Hill	Further Highways comments were requested and have been incorporated within section iii.
17.	The application site actually comprises 2 separate parcels of land – Milestones and land to the north side of London Road. The redevelopment of the land to the north of London Road would result in loss of woodland.	Both parcels of land are included within the red line of the application site and the redevelopment of this piece of land as a whole is assessed below.
18.	The applicant's viability report is inaccurate with regard to the price paid for Milestones.	See section viii.
19.	Block 2 is now closer to neighbouring dwellinghouse Cresta resulting in overlooking to these neighbours.	See section ii.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Natural England	No objection provided the applicant is complying with the requirements of the Local Authority's Avoidance and Mitigation Strategy for the Thames Basin Heaths SPA through an agreement securing contributions to Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM)	Noted
LLFA	No objections subject to conditions	Noted

### Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	<p>Object. The committee noted that no development brief had been provided, neither had any public consultation been carried out, both of which were required by the Neighbourhood Plan for a proposed development of this size as the site at 1.2 Ha is more than 0.5 Ha, thus this was contrary to Neighbourhood Plan (NP) policy NP/H1.</p> <p>The committee were also concerned that there was no affordable housing on the site and that it did not comply with Borough policy The majority of recent applications have been for flats, and it was felt that this application isn't providing the mix of houses for local families. The site is 'Villas in a Woodland Setting', and flats are contrary to NP/DG1.2. The application needs to establish that flats will retain the character of the area.</p> <p>The 3.3m access road is considered to be too narrow to allow passing traffic. Some of the parking bays (e.g. for plot 6 block 1 &amp; plot 15 block 2) are very difficult to access.</p>	See main report
Archaeology	No objections subject to condition	Noted
Thames Water	Comments for the developer regarding surface water drainage and waste water. Informatives to be attached to decision.	Noted
Environmental Protection	No objection subject to conditions and informatives	Noted
Ecology	No objection subject to conditions	Noted
Trees	No objections on basis of amended plans and updates to tree protection plan and subject to conditions	See section iv.

## Others

Group	Comment	Where in the report this is considered
SPAE	<p>Objections:</p> <p>No development brief was included with the application nor has any public consultation taken place.</p> <p>The proposed development is out of keeping with the character of the area</p> <p>17 trees are to be felled. The tree officer needs to confirm there will be no major loss of amenity.</p>	See main report

## 9. EXPLANATION OF RECOMMENDATION

### 9.1 The key issues for consideration are:

- i Impact on the character of the area.
- ii Impact on neighbouring properties
- iii Highway and parking implications
- iv Tree considerations

v Ecology and Thames Basin Heath Special Protection Area

vi Surface Water Flooding

vii Development Brief

viii Affordable Housing

ix Other Material Considerations

### **Impact on the Character of the Area**

- 9.2 The application site lies within a 'Villas in a Woodland Setting' area as defined by the Council's Townscape Character Assessment, the qualities of which include very low density development, large detached dwellings set in large spacious plots, and development which retains and enhances the sylvan, leafy nature of the area. Neighbourhood Plan policy NP/DG1 reinforces these requirements. Residential intensification in such areas is not unacceptable in principle, however new development should adhere to the recommendations of the Townscape Character Assessment and Neighbourhood Plan policies to ensure there is an acceptable impact on the character of the area.
- 9.3 Neighbourhood Plan Policy NP/H2.2 (Mix of Housing Types) advises that development proposals for new dwellings will be expected to contribute to the aim of ensuring a balanced mix of housing in the Plan area. Dwellings should be in size and type, in keeping with the size and type of dwellings already prevalent in the surrounding area except where there is a demonstrable need for alternative type or size of home. One of the material considerations in this case is that the proposal is for a flatted development of 2-bed and 3-bed apartments whereas the existing site and those sites immediately surrounding the application site contain large single detached dwellings. Having said this, it is noted that the wider vicinity, including land within the 'Villas in a Woodland Setting' zone comprises some flatted development as well as large detached dwellings, in particular there are some sites fronting London Road approved in recent years that contain apartment buildings which form part of the character of the area. As such, it is considered that it would be difficult to resist the principle of flatted development within the application site. However the main characteristics of the character zone should be adhered to as will be discussed below.
- 9.4 Policy NP/DG1 (Respecting the Townscape) states that development proposals should respond positively to the Local Townscape and that the RBWM Townscape Assessment report should inform the design approach in a planning application. Whilst it is accepted that the application site could in principle hold a flatted development rather than single detached dwellings, other aspects of the development should display characteristics identified with the Villas in a Woodland setting such as spaciousness, irregularity (the appearance of a development that has been organically evolved) and the retention of mature woodland. Indeed it could be argued that a flatted development is acceptable in a Villas in a Woodland character zone, provided the spacious and leafy character of the area is maintained. In order to maintain this character, it is considered that the built development should not dominate the soft landscape character and woodland setting.
- 9.5 The scheme has been revised to reduce the number of buildings within the site from three to two. The form of the development, with the apartments being divided into two sizable blocks, is considered acceptable and the reduced scale of development would



allow for a considerable amount of the site to remain free from buildings with the green landscape appearing as the prominent feature within the site, an important characteristic of a 'Villas in a Woodland setting' character area. The amount of hard-surfacing has also been reduced so that it would not dominate the site. Given the amount of space remaining free from built development it is considered that the proposal would not result in an overdevelopment of the site and that the scale and layout of development would now be in keeping with the existing pattern of development in the area which includes both apartment buildings and detached dwellings. Whilst the proposed apartment buildings are uniform in appearance their positioning within the site differs to the layout of nearby developments such that some irregularity would arise from the proposed layout.

- 9.6 The design and external appearance of the apartment blocks remains very grand however given the reduced height and scale, and level of mature screening of all the mature boundaries of the site, it is considered that the proposal would not appear prominent in the street scene of London Road or the wider area in general.

### **Impact on Neighbouring Occupiers**

- 9.7 The previous application was refused on grounds of impact on the neighbouring occupants of Ballards, to the north of the site, namely for reasons of loss of privacy and overlooking (whether actual or perceived) as a result of the siting of block 3.
- 9.8 In the revised application (and as denoted by the amended plans received on 29 July 2019) the closest block to Ballards would be block 2, which would be positioned 26.5m away from this neighbouring property at its closest point (and at an oblique angle) and 20m away from the common boundary at its closest point. (To note, this is an additional 4m away from the neighbouring property than in the plans presented to panel in July 2019 and an additional 8m to those plans refused under application ref: 18/03747/FULL). The amended plans also reduce the number of rear facing windows within the rear elevation of block 2 and add privacy screens to the second floor terraces.(see condition 20) It is considered that the intended gaps of separation would be sufficient to ensure that any overlooking would not be unduly harmful to living conditions and as such that it would be difficult to refuse the application on such grounds.
- 9.9 As a result of these amendments, block 2 is now located closer to the east boundary of the site and to neighbouring property, Cresta. The closest part of block 2 (the ground floor master bedroom to plot 12 and the first floor terraces to plots 16 and 17) is approximately 27m away from the boundary with Cresta. Considering also the mature boundary screening, the building is considered to be sited far enough away from this neighbouring property so as not to be harmfully overlooked by the proposed development. It is noted that the second floor terrace is set even further back at a distance of 28m-31m away from the boundary with Cresta such that harmful levels of overlooking could not be achieved.
- 9.10 The gaps of separation between the apartment buildings and other neighbouring properties are such that the buildings would not appear overbearing to neighbouring occupiers or result in any harmful levels of overlooking.

### **Parking and Highways**

- 9.11 There were two main Highways objections to the previous application, firstly, that a new access onto London Road had not been sufficiently justified and secondly, that the proposed access was technically inadequate in terms of its visibility and alignment.

The previous planning application was refused on these grounds. The revised application for 18 apartment now proposes to utilise the existing access point from London Road onto Queens Hill to serve the new development.

- 9.12 Initial comments were received from the Highways Authority dated 20<sup>th</sup> January 2019. Following several concerns raised by neighbouring residents, the Highways Authority were asked to review these comments and provide further information. These additional comments were received on 13<sup>th</sup> June 2019. A summary of each issue is provided below.

#### Proposed Access

- 9.13 The main access to the site is currently via Queens Hill Rise, a private road accessed via a priority junction onto Cheapside Road, which in turn has a priority junction onto London Road. There is a secondary access via Queens Hill onto London Road. There is also a gated pedestrian access directly onto London Road.
- 9.14 It is proposed to use the existing driveway onto Queens Hill (the existing secondary access) which connects with the public highway at London Road to serve the development. The existing primary access from Queens Hill Rise is to be stopped up as shown on the proposed Site Plan Drawing 18-J2341-20. The gated pedestrian access directly onto London Road will be retained.
- 9.15 The existing secondary access (Queens Hill) which is to be used as the main site access would be subject to improvements including widening the width of the access from 3.0-3.5m to approximately 4.8m wide as shown at Drawing 67048-TS-QH1. Strong objections have been raised from neighbouring occupants of Queens Hill regarding the acceptability of this access to serve the new development.
- 9.16 The width of the Queens Hill carriageway north of the access/columns/posts within the site and prior to the electronic sliding gates for South Lodge is approximately 5.4m wide. This width is sufficient for 1 vehicle waiting to enter the grounds of South Gate while others pass by to enter the proposed development site or travel further along Queens Hill. Further to 1 vehicle waiting at the gate of South Lodge a further vehicle is also able to wait south of the columns/posts on the vehicle crossover/access to London Road while allowing vehicles to exit the site to turn right or left onto London Road as described above. The latter will likely be used when there is simultaneous vehicles trying to use the access to depart/arrive. However there is sufficient visibility for those vehicles arriving at the access to see if there are vehicles waiting to depart or to see if there is a vehicle in the process of exiting South Lodge, and accordingly they would be able to wait in the right turning lane if required. Any vehicles using the crossover in front of the access should be doing so as a last resort or not realising that there was a vehicle approaching the access to depart.
- 9.17 It should also be noted that the existing access to Milestones is proposed to be widened. Although the vehicular egress and access points are in close proximity to each other, there is no standard for separation distance between opposing accesses unless they are through routes, not private drives/accesses. Additionally this has historically been a shared vehicle and pedestrian space for those using the main pedestrian gate to South Lodge from Queens Hill. The carriageway width of Queens Hill at the junction of Milestones is approximately 5m and the pedestrian and vehicle visibility to the right and left of the junction is adequate for vehicles to be sufficiently aware of pedestrian movements as per the extant situation. The increase in vehicular activity is considered not to raise any adverse highway safety issues that need to be addressed.

### Parking provision/requirement

- 9.18 The site is located within an area of poor accessibility. The proposed development consists of 8 x two-bedroom and 10 x three-bedroom flats. Therefore, generating a demand for two vehicular parking spaces per flat in accordance with RBWM Parking standards.
- 9.19 The application proposes 36 underground parking spaces for occupants of the flats and six surface level spaces for visitors. The number of parking spaces proposed is deemed acceptable. The proposed arrangement, sizing of parking bays and basement ramp as shown on drawings 18-J2341-2, 18-J2341-26 and 18-J2341-32 is also deemed acceptable. However, the applicant must ensure the proposed car park sizing and clearance (including basement ramp) complies with requirement stipulated within *The Institution of Structural Engineers "Design recommendations for multi-storey and underground car parks"* ensuring sufficient clearance and manoeuvrability space for a large 4 x 4 and van.
- 9.20 Concerns have been raised by some residents with regards to visitor parking and servicing at South Lodge as provision for this type of parking is not provided on-site and therefore takes place on Queens Hill. Residents have stated that this occurs opposite the proposed site access to Millstones. There is sufficient carriageway length to the north of South Lodge for vehicles visiting or servicing South Lodge to park on the western side of Queens Hill. The carriageway is 5.4m to 5.8m wide along the majority of its length from South Lodge, and there is at least 30m length of parking to accommodate approximately 6 standard sized vehicles or less with a few larger service vehicles. This should be sufficient to serve the visitor and servicing needs of the site. The residents of South Lodge should inform visitors and service vehicles of where to park. Vehicles blocking the entrance to Milestones in any existing or future scenarios are blocking an existing vehicle access which is prohibited on public highway or private accesses. The applicant will have the option of erecting signage with the appropriate warnings or information that the site access is an active vehicular access and should not be blocked. As such, no objection is raised in this regard.

### Traffic Generation

- 9.21 The TRICS data provided within the Transport Statement is not considered to present a suitable representation of the site location and characteristics. Using the TRICS database (the Highways Authority have taken a robust approach to the expected cumulative (existing and proposed) vehicle trip movements that will use the access onto London Road from Queens Hill in the AM peak (0800-0900) and PM peak (1800-1900). As a result of the analysis the access from Queens Hill to London Road would potentially account for 17 vehicles during the AM peak (two -way movements) and 17 vehicles during the PM peak (two- way movements). Table 1 below shows a breakdown of the number of estimated vehicle arrivals and departures over the AM peak, PM peak and daily total (24hr).

**Table1: Cumulative/Total Trip Generation (existing + proposed)**

<b>Time Period</b>	<b>Arrivals</b>	<b>Departures</b>	<b>Two-Way</b>
AM	4	13	17
PM	11	6	17

Daily (over 24hrs)	75	78	154
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- 9.22 The 17 vehicles in the AM and PM peak hour would be spread over the peak hour. Table 1 indicates that the number of vehicles departing in the AM peak (13) are unlikely to encounter many arriving vehicles (4). The submitted Transport Assessment (TA) stipulates 2 arriving in the AM peak but a robust assumption would be the above 4 as shown at Table 1. Therefore there are four potential occurrences where a vehicle departing may need to give way to arriving vehicles. Those 4 vehicles arriving can sit within dedicated right turn lane and/ or with 1 vehicle waiting just south of the site access. However the potential 4 vehicles will not arrive simultaneously during the peak hour at one specific time (the dedicated right run lane can hold up 3-4 standard sized vehicles).
- 9.23 Table 1 also indicates that the number of vehicles arriving in the PM peak (11) are unlikely to encounter many departing vehicles (6). The submitted Transport Assessment (TA) stipulates 4 arriving in the PM peak but a robust assumption would be the above 11 as shown at Table 1. Therefore there are eleven potential occurrences where a vehicle departing may need to give way to arriving vehicles. Those 11 vehicles arriving can sit within dedicated right turn lane and/ or with 1 vehicle waiting just south of the site access. However the potential 11 vehicles will not all arrive simultaneously at one specific time. As mentioned previously the dedicated right turn lane can hold up to 3-4 standard sized vehicles.
- 9.24 The above information indicates that the PM peak will potentially result in more occurrences (11) of potential conflict at the junction of London Road/Queens Hill access with the majority of vehicles arriving at the site with a few departing (6). The right turn holding lane can accommodate up to 4 vehicles without obstructing any for any vehicles that are departing from Queens Hill and no vehicles will need to wait on the crossover before entering Queens Hill. The right turn lane also will allow the free flow of eastbound and westbound traffic on London Road. However the crossover can be used to accommodate 1 vehicle if required without causing visibility issues for those vehicles turning left or right out of Queens Hill. As such, no objection have been raised by the Highways Authority regarding Traffic Generation.

#### Cycle and Refuse provision

- 9.25 The application includes the provision of cycle parking storage within the basement, with one storage area provided per flat. This is deemed acceptable.
- 9.26 The application proposes refuse collection within the site, with turning provided within the site extents, this is deemed acceptable. The application indicates bin storage within the garden areas. The location of the bin storage areas are within suitable distance (within 25m) for waste collection vehicles. The applicant has submitted a swept path analysis drawing demonstrating that a borough refuse lorry can enter and exit the site in a forward gear as presented in the TS.
- 9.27 The applicant has provided appropriate swept paths of a refuse vehicle entering and exiting the site onto London road in Forward gear from the site. Residents have commented indicating that refuse trucks reverse into the access which is what the Waste operatives have chosen to undertake at said given time. However the geometry of the site access and indeed the proposed site access on Milestones will allow for turning within the site, if required.

#### Conclusion

- 9.28 To conclude this section of the report, whilst there may be instances where cars would meet within Queens Hill when exiting or entering South Lodge or exiting or entering the proposed development site and potential parking of service vehicles and visitors on the road, it must be borne in mind that in accordance with paragraph 109 of the NPPF development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 9.29 Whilst no objections have been raised on highways grounds by the Highways Authority, it should be noted that upon request by Members an additional passing bay has been provided to the access drive to ease congestion along this access way.

### **Impact on Trees**

- 9.30 The Arboriculturist raised strong concerns regarding the impact on trees in relation to the previous application which included a new access onto London Road. The use of the existing access point onto Queens Hill is a preferred option from an arboricultural point of view, ensuring the retention of mature trees along the front boundary of the site, adjacent to London Road.
- 9.31 Concerns were raised during the course of the application concerning the proximity of block 1 to the RPA of trees T43 and T44 (two Wellingtonia which contribute highly to the character of the area). Amended plans have been received showing the front bay window on the left hand side of block 2 to be removed. To confirm there is no encroachment in the RPA of this tree as a result of the development itself. Concerns were initially raised that the intended working area would encroach into the RPA of this tree, however, given the removal of the bay and proposed updates to the Tree Protection Plan and Arboricultural Method Statement showing the protective fencing to be moved out and the ground protection area increased, no objections are raised from a tree point of view subject to conditions regarding tree protection, site storage, tree replacement, upgrading of the driveway and landscaping (conditions 11, 12, 13, 14 and 15).
- 9.32 It should be noted that the re-siting of block 2 poses no additional arboricultural concerns. The Tree Officer has confirmed that there will be sufficient space for the replacement of T49 to mature.
- 9.33 The updated Arboricultural Assessment and Method Statement demonstrates that whilst 19 trees within the site are being removed, only 2 are category B and 17 are category C. Furthermore, this must be considered in conjunction with the fact that 13 trees are to be retained, the majority of which are category A and B trees which are of a higher amenity value and further planting is to be carried out via a landscaping scheme. Photos have been provided of some of the category C trees to be lost, which demonstrates that these trees are of a low amenity value and many of which cannot be viewed from outside the site.

### **Ecology and Impact Thames Basin Heaths Special Protection Area (SPA)**

#### Thames Basin Heaths SPA

- 9.34 The Thames Basin Heaths Special Protection Area (the SPA) was designated in 2005 to protect and manage the ecological structure and function of the area to sustain the nationally important breeding populations of three threatened bird species. The application site is located within two kilometres from the closest part of the Thames

Basin Heaths Special Protection Area (SPA), which is protected by European and national legislation. This imposes requirements on the Local Planning Authority to protect this sensitive area of natural/semi-natural habitat. Although the Council has an adopted Suitable Alternative Natural Greenspace (SANG) known as Allen's Field, this only has a limited amount of remaining capacity. However this capacity has already been safeguarded for the delivery of submission allocated sites in the BLPSV. Unplanned development using up this capacity could result in sustainably located plan-led developments being put at risk of not being implemented in a timely manner or not at all. To avoid this arising, the Council (through a decision of Cabinet in June 2018) agreed that unplanned development of over 10 dwellings would not be able to rely on capacity at the Council's SANG at Allen's Field and would need to find alternative mitigation.

- 9.35 Since the determination of the previous application, the Council has reviewed the number of planned developments within the SPA buffer zone and it has been concluded that the proposed development can rely on Allen's field as it was considered as a soft commitment at the time of the June 2018 cabinet report and therefore has already been allocated capacity at Allen's field. An appropriate assessment has been carried out and no objection have been received from the Council's policy section (who monitor the SANG capacity) or from Natural England.
- 9.36 The Council's legal section are currently drafting a section 111 agreement to ensure financial contributions towards SAMM/SANG are made. This legal agreement is nearing completion and it is recommended that planning permission be granted following completion of the section 111.

#### Ecology

- 9.37 Buildings and trees within the site have been identified to have the potential to support bat roosts and one bat roost has been confirmed. Further surveys therefore were needed to be carried out prior to the determination of the application to confirm the presence/absence of bats and how bats would be affected by the proposals. These surveys have now been carried out and the Council's Ecologist is satisfied with the findings. Impact on other protected species and habitats is considered acceptable subject to conditions (conditions 15, 16 and 17).

#### **Surface Water Flooding**

- 9.38 The applicant has submitted an updated Flood Risk Assessment to support the application following initial comments from the Lead Local Flood Authority requesting further information. The updated document is supported subject to condition (condition 18).

#### **Development Brief**

- 9.39 Neighbourhood Plan policy NP/H1 (Development Briefs) requires that development proposals which include 10 or more dwellings on sites larger than 0.4 hectares shall be required to submit a Development brief and to actively engage in consultation with the Parish Council and the community as part of the design process prior to any planning application being submitted. Furthermore, planning applications for developments which require a Development Brief must be accompanied by a Statement of Community Consultation. The previous application failed to demonstrate compliance within these policy requirements however the planning statement

accompanying the current application explains how the proposal has been adapted following the refusal of the previous application and that objections to this previous application by neighbours and the Parish Council have been taken into account. A public consultation exercise has also been carried out as described in the Statement of Public Consultation submitted with the application. It is considered that the information submitted in support of the application meets the general aims of policy NP/H1 (Development Briefs). In saying this the Council has taken into consideration the decisions of Planning Inspectors covering appeals for similar developments in the area.

### **Affordable Housing**

- 9.40 The application is for a development of more than 15 dwellings and therefore there is an expectation in line with adopted policy H03 for affordable housing provision. This is in line with the revised NPPF which advises that affordable housing provision will not be required for developments that are not major developments. A viability report has been submitted to demonstrate that it would be unviable for any affordable housing contribution to be made either on-site or off-site.
- 9.41 It is noted that an objection has been raised in relation to the accuracy of the viability report and in particular to the actual price paid for Milestones by the developer. However, the actual price paid is not taken into account for the purposes of viability – moreover it is the benchmark land value, which is the existing use value plus a premium, as defined by the National Planning Practice Guidance, which forms the basis for assessing viability. This is what has been used within the applicant’s viability report. Indeed, if the actual price paid were to be input into the calculations an even greater deficit would be predicted.
- 9.42 The viability report is currently under review with an external independent assessor. Provided the findings of the applicant’s viability are supported by the independent assessor, then it can be concluded that in this instance, the development does not need to provide an affordable housing contribution. Planning permission is recommended subject to support by the Independent Assessor.

### **Other Material Considerations**

- 9.43 Berkshire Archaeology have been consulted on the application and have recommended a condition to ensure the implementation of a programme of archaeological works (condition 19).

### Housing Land Supply

- 9.44 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

*For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Footnote 7 of the NPPF (2019) clarifies that:

*'Out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).'*

- 9.45 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, the current starting point for calculating the 5 year housing land supply (5hr hls) is the 'standard method' as set out in the NPPF (2019).
- 9.46 At the time of writing, the Council is unable to demonstrate a 5 years housing land supply. Therefore, for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).
- 9.47 Notwithstanding the above, officers have concluded that the proposal complies with the relevant planning policies, which are considered in accordance with the NPPF, and therefore in accordance with paragraph 11(c) of the NPPF and the presumption in favour of sustainable development the development proposal should be approved without delay.

## **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 10.1 The development is CIL liable. The proposed floorspace of the dwellings (minus the allowance for the existing dwellinghouse) is 5,662.5m<sup>2</sup>.

## **11. PLANNING BALANCE AND CONCLUSION**

- 11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraph 9.41 it is considered that in this instance the development is in compliance with the development plan and therefore in accordance with paragraph 11c must be approved without delay.
- 11.2 Should members consider that any part of the proposal does not comply with the relevant planning policies, then consideration must be had to the terms of paragraph 11d of the NPPF. In this case whilst the proposed development falls within 5km of the Thames Basin Heath SPA, as an appropriate assessment has been carried out there is no clear reason for refusing the proposed development on this basis. Accordingly if it were considered that there were any limited or moderate harm to the character of the area the so-called 'tilted balance' would be engaged. In this case, there are significant benefits arising from the net gain of 17 dwellings such that officers would advise that the impacts of granting planning permission for this development would be more than outweighed by the considerable housing benefit arising from the proposal.

## **12. APPENDICES TO THIS REPORT**

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

## **13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.



- Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
- Reason: In the interests of the visual amenities of the area. Relevant Policy
- 3 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
- Reason: In the interests of the visual amenities of the area. Relevant Policy
- 4 No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained.
- Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
- 5 Prior to the commencement of any works or demolition a construction 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.
- 6 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 drawing. 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, DG1.
- 7 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
- Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.
- 8 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.
- Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 9 The existing access to the site of the development shall be stopped up and abandoned immediately upon the new access being first brought into use. The footways and verge shall be reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan T5, DG1.

- 10 No part of the development hereby permitted shall be occupied until the access has been surfaced with a bonded material across the entire width of the access for a distance of at least five metres measured back from the highway boundary.  
Reason: To avoid spillage of loose material onto the carriageway which could adversely affect conditions of highway safety. Relevant Policies - Local Plan T5.
- 11 Prior to the commencement of development details of the areas to be used for on site materials storage, construction workers' parking, and for ancillary temporary building(s) including any phasing of use such areas, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be undertaken in accordance with the approved details.  
Reason: To ensure that retained landscaping on the site is not damaged or destroyed during construction. Relevant Policies - Local Plan DG1, N6.
- 12 The development shall not be occupied until details of the soft landscaping of the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include; a detailed soft landscaping plan to a recognised scale clearly illustrating the location of all trees/shrubs/hedges/plants to be planted and areas of turf to be laid; B) a detailed written soft landscape specification detailing the quantity, density, size, species, position and the proposed time or programme of planting of all trees/shrubs/hedges/plants. This specification shall include details of ground preparation/cultivation within and adjacent to root protection areas of retained on/off-site trees, and other operations associated with tree/shrub/ hedge/plant establishment. The approved landscaping scheme shall then be implemented within the first planting season following the substantial completion of the development. The development shall be 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.  
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.
- 13 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.
- 14 No works or development shall take place until an updated Arboricultural Method Statement and Tree Protection Plan, including hard landscaping elements 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.  
Where proposed hard surfaces/structures/ground levels are to be altered within, or introduced into the root protection areas of retained on/off-site trees, scaled cross-section construction drawings and supporting method statement will be required to support the hard landscape plan/specifications.  
Nothing shall be stored or placed in any fenced 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. Prior to construction the tree protection 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.
- 15 All works shall be carried out in accordance with the recommendations included within Sections 5.2.13-5.2.28 of the Ecological Impact Assessment (Enzygo, December 2018), unless otherwise agreed in writing by the Local Planning Authority  
Reason: To ensure that wildlife is safeguarded, and that opportunities for wildlife are provided in line with the NPPF.
- 16 Demolition shall not commence until a licence for development works affecting bats has been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy has been submitted to the council. Thereafter mitigations measures approved in the licence shall be maintained in accordance with the approved details. Should conditions at the site for bats change and/or the applicant conclude that a licence for development works affecting bats is not required, the applicant is to submit a report to the council detailing the reasons for this assessment and this report is to be approved in writing by the council prior to commencement of works.  
Reason: The site hosts bat roosts which will be affected by the proposals. This condition will ensure that bats, a material consideration, are not adversely impacted upon by the demolition works.
- 17 No dwelling hereby permitted shall be occupied until details of biodiversity enhancements, to include bird and bat boxes, tiles or bricks on and around the new buildings and native and wildlife-friendly landscaping has been submitted to and approved in writing by the council. The biodiversity enhancements shall be installed as approved.  
Reason: To incorporate biodiversity in and around the development in accordance with paragraph 175 of the NPPF.
- 18 Prior to commencement (excluding demolition) a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:  
- Full details of all components of the proposed surface water drainage system including dimensions, location, gradients, invert levels, cover levels and relevant construction details.  
- Supporting calculations based on infiltration rates determined by infiltration testing carried out in accordance with BRE365 confirming compliance with the Non-Statutory Standards for Sustainable Drainage Systems.  
- Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.  
The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.  
Reason - To ensure compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.
- 19 No development shall take place within the application area until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority  
Reason: Reason: The site is within an area of archaeological potential, specifically relating to prehistoric remains. A programme of works is required to mitigate the impact of development and to record any surviving remains so as to advance our understanding of their significance in accordance with the national and local plan policy.

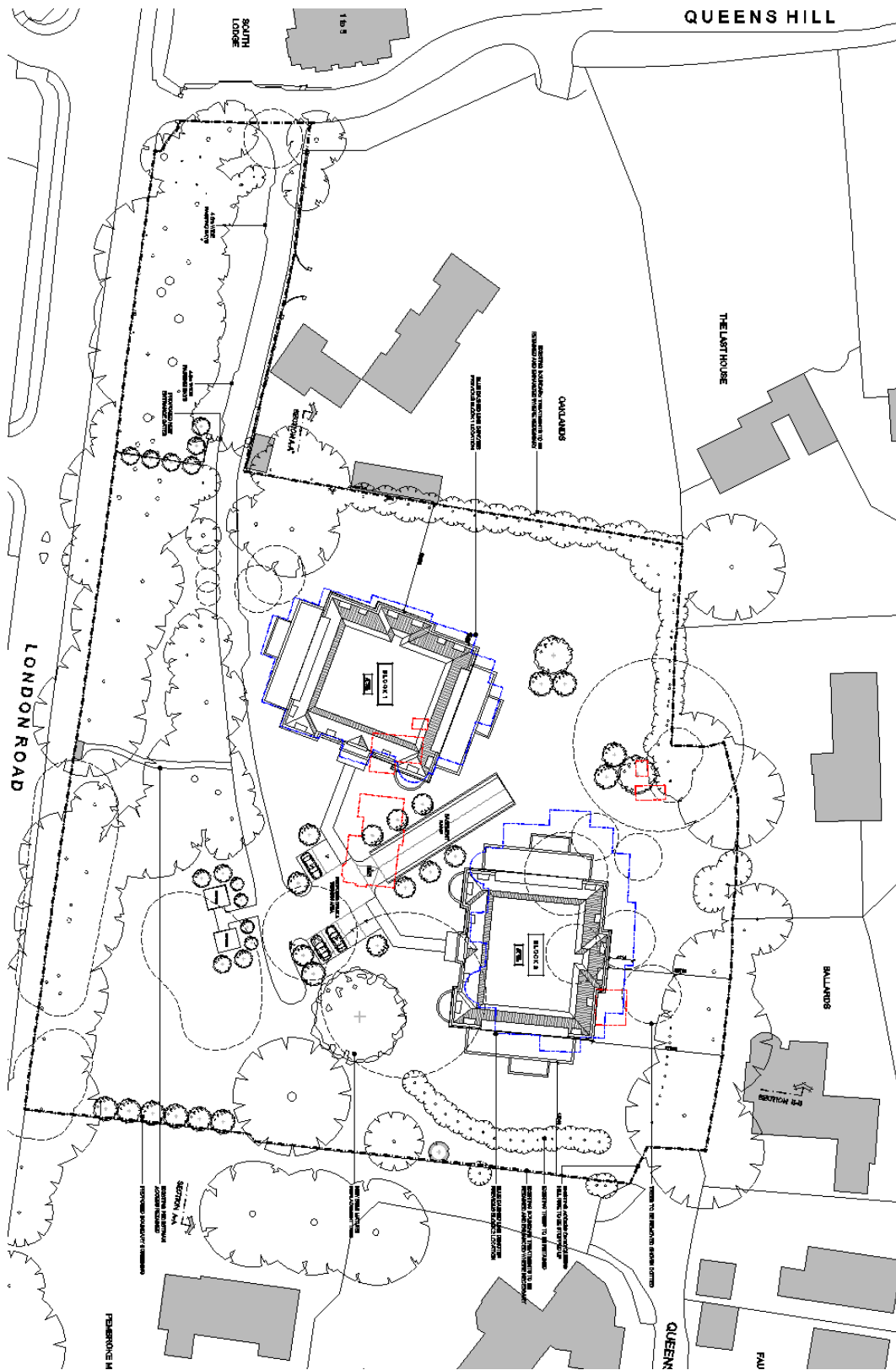
- 20 The privacy screens as shown on the approved drawings shall be erected prior to initial occupation of those flats to which they serve.  
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers.  
Relevant Policies - Paragraph 127 of the NPPF.
- 21 The development hereby permitted shall be carried out in accordance with the approved plans listed above.  
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Appendix A  
Location Plan



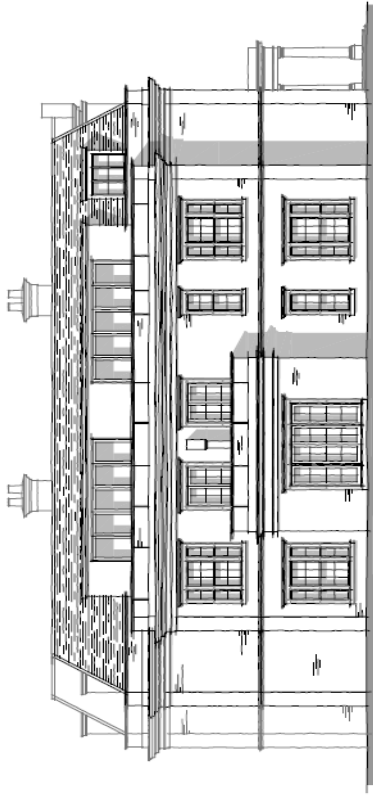
Ordnance Survey © Crown Copyright 2017. All rights reserved. Licence number 100022432

Site layout

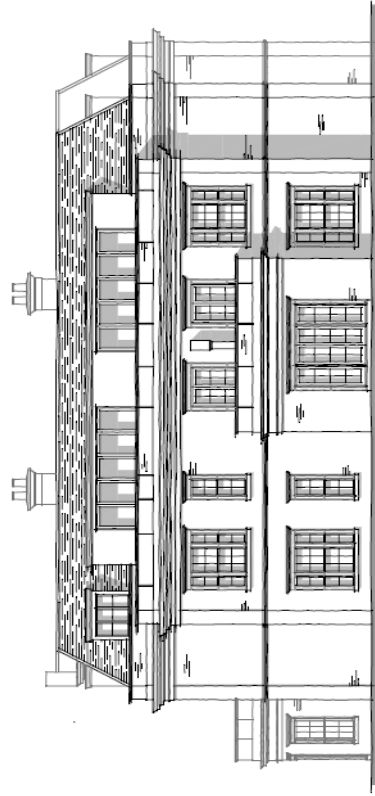


Appendix B

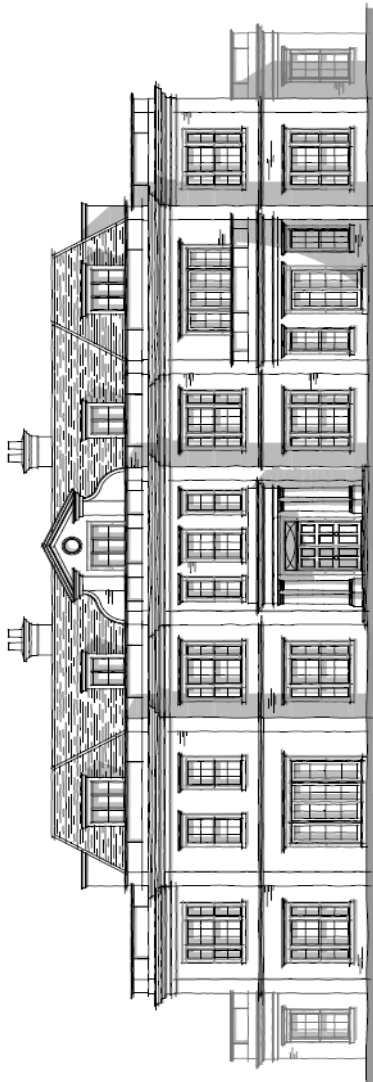
Block 1—  
Elevations



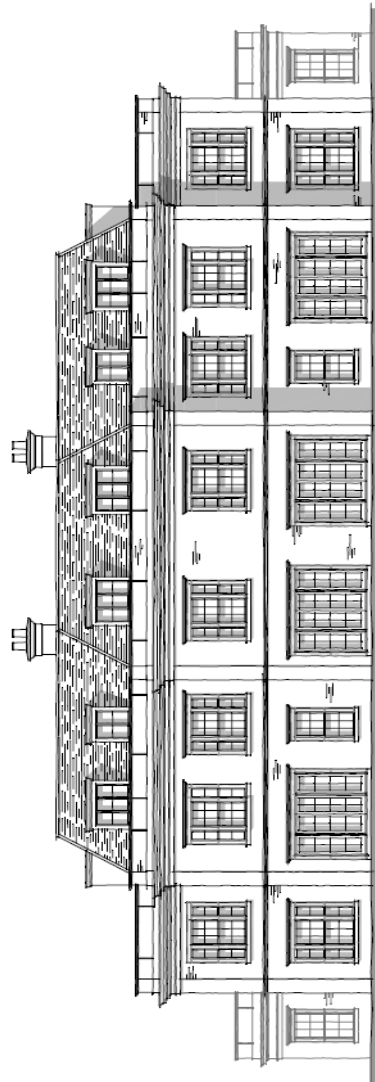
SIDE ELEVATION



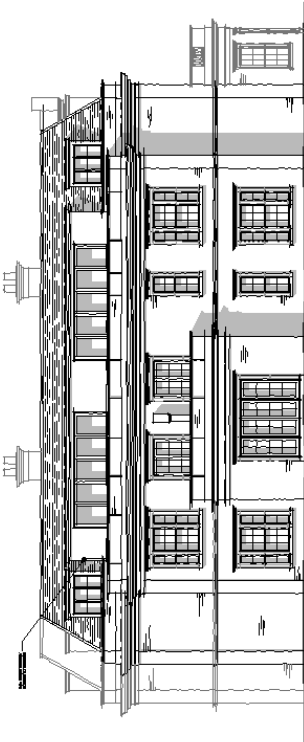
SIDE ELEVATION



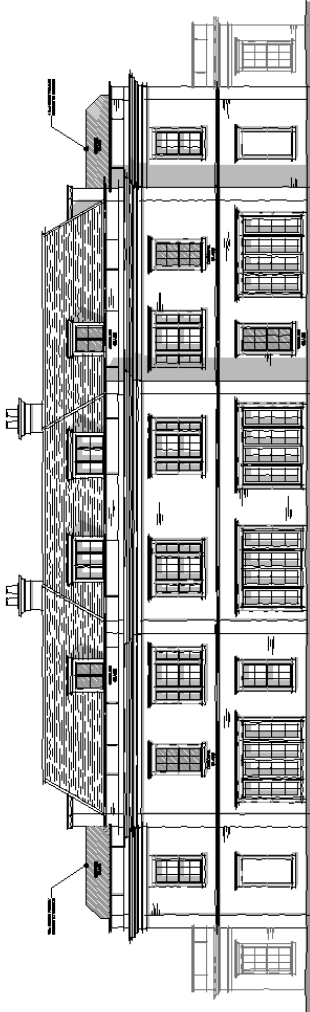
71  
FRONT ELEVATION



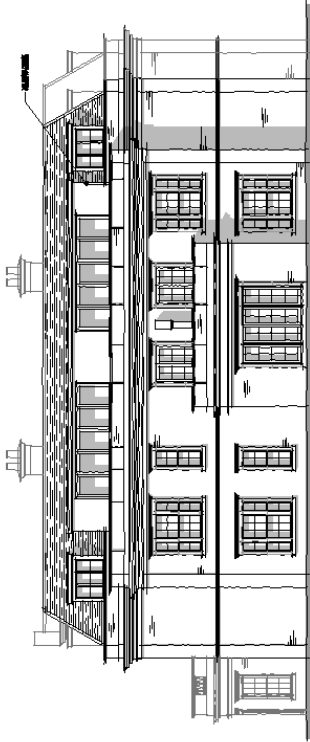
REAR ELEVATION



FRONT ELEVATION

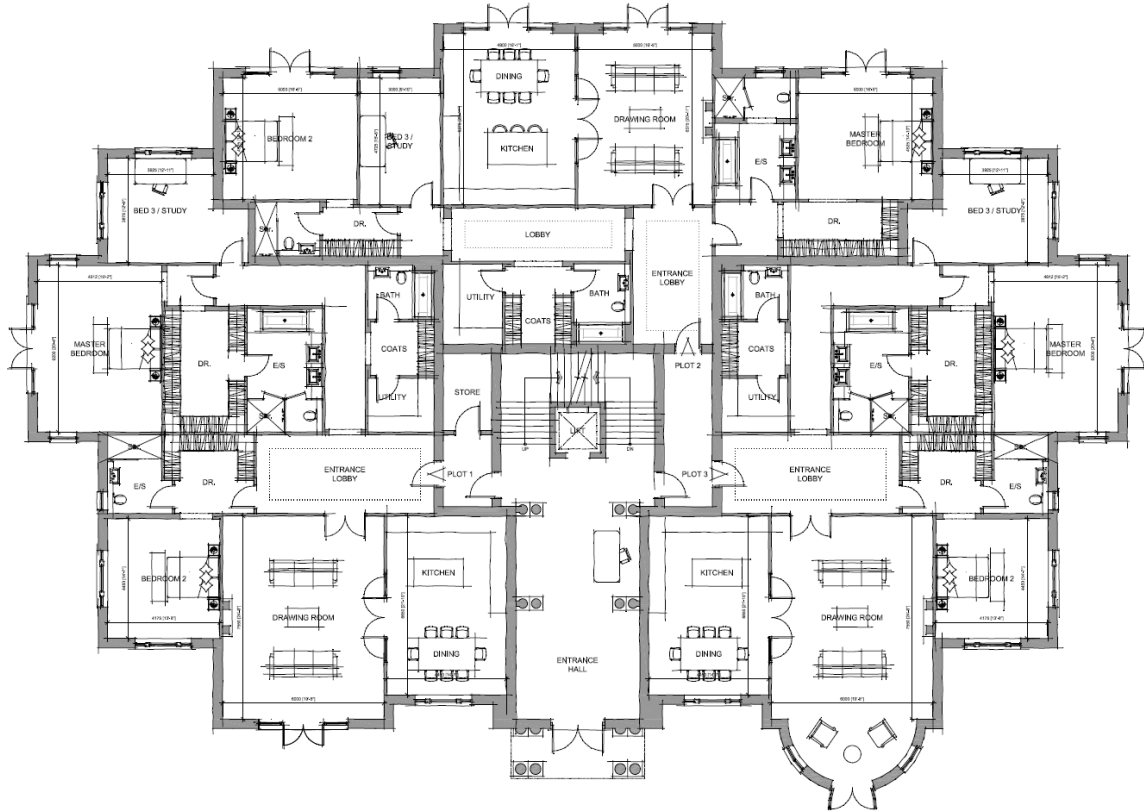


SIDE ELEVATION

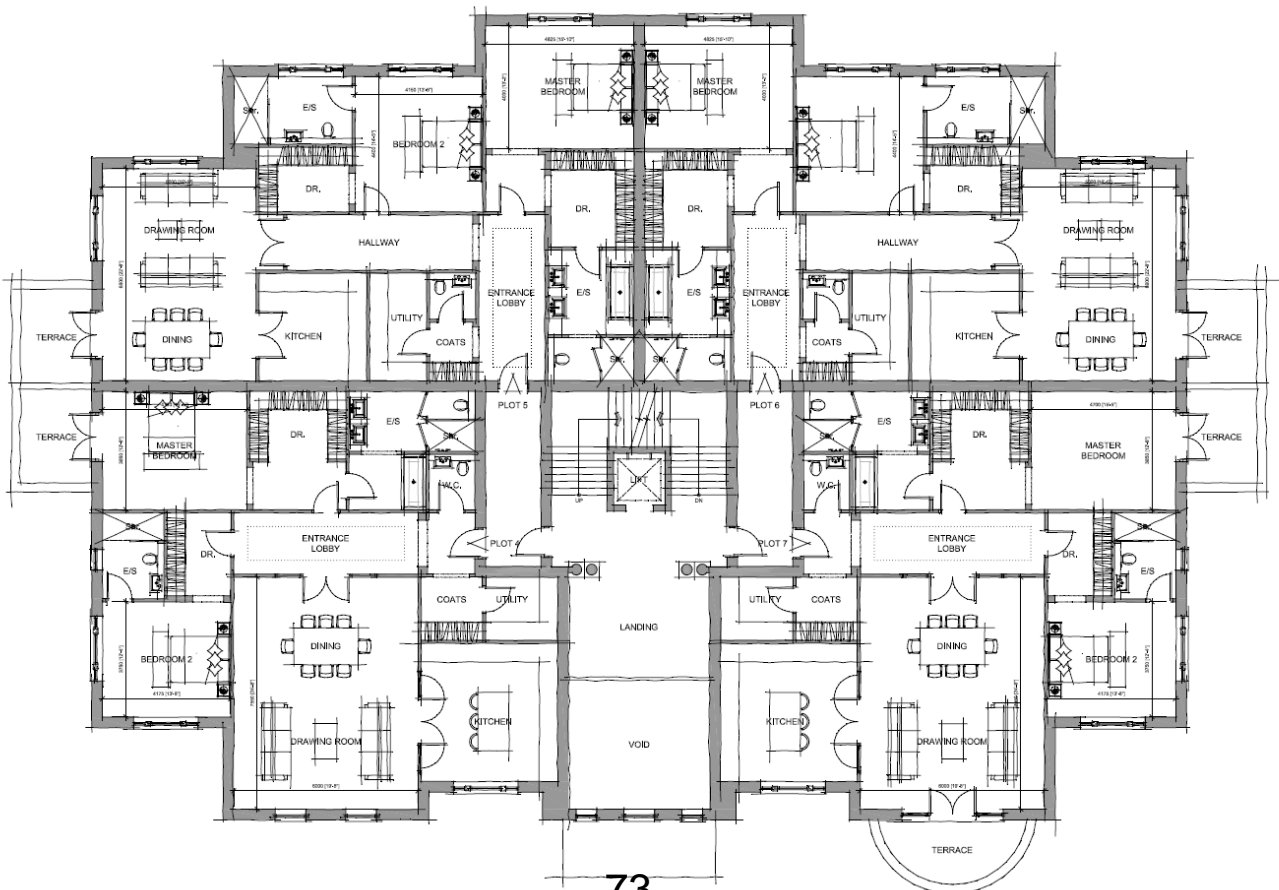




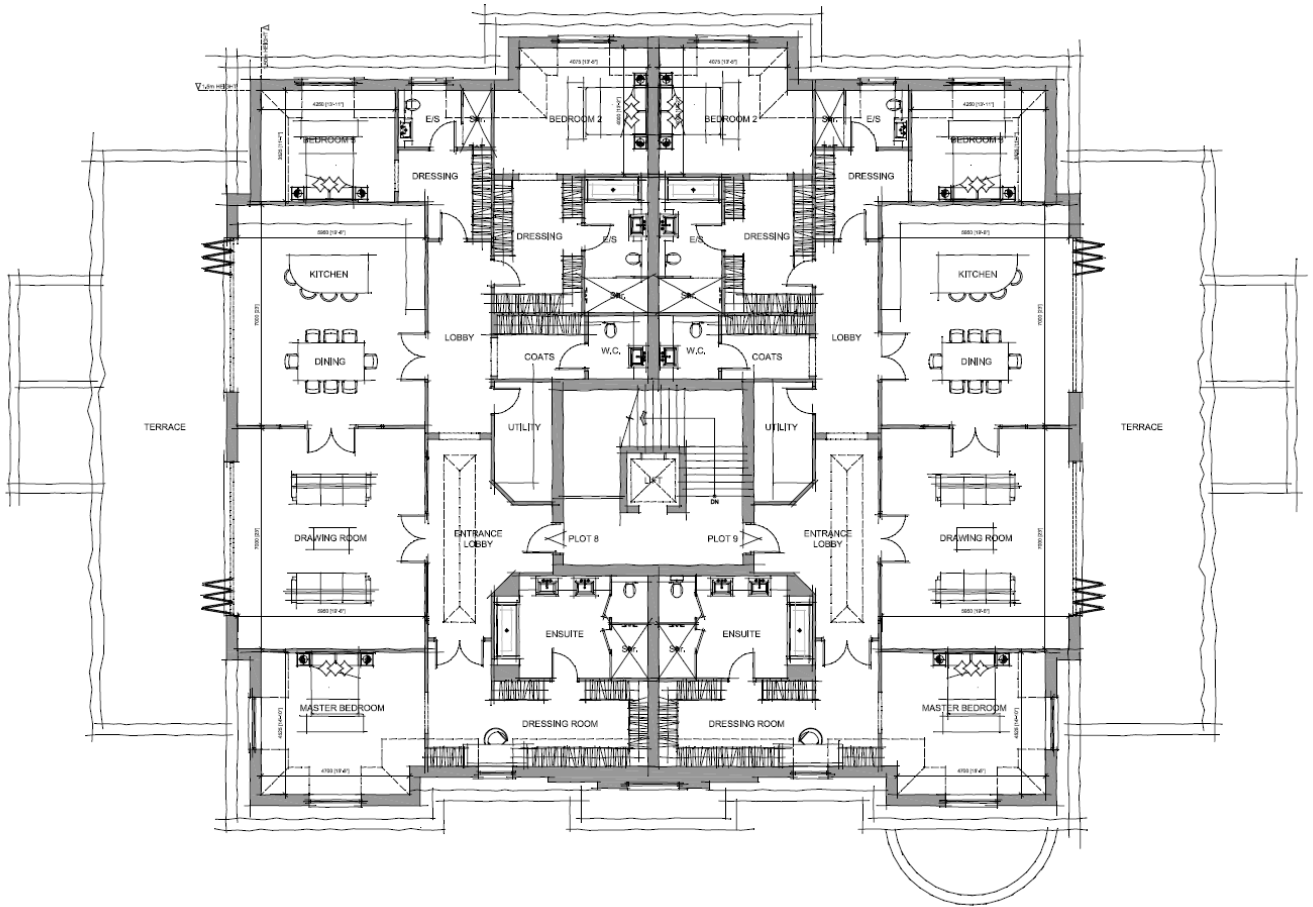
Block 1—Ground floor



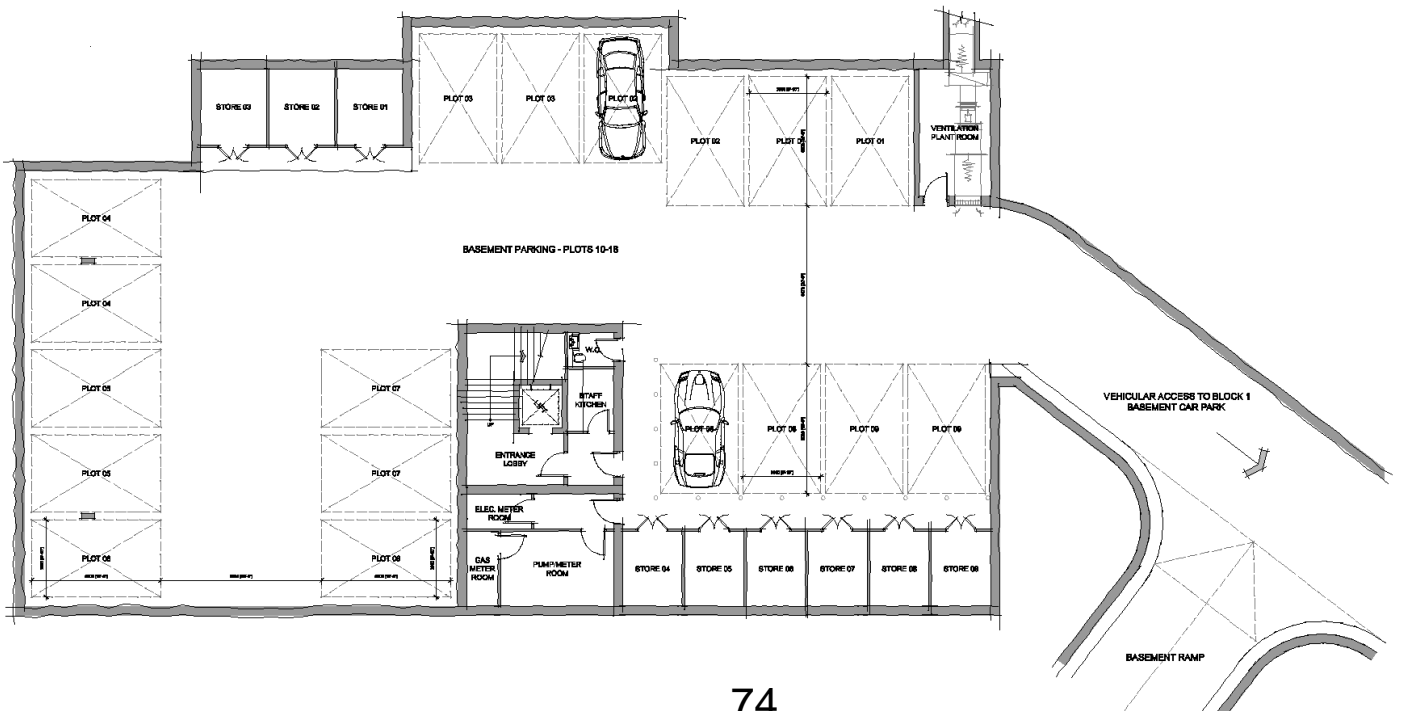
Block 1—First Floor



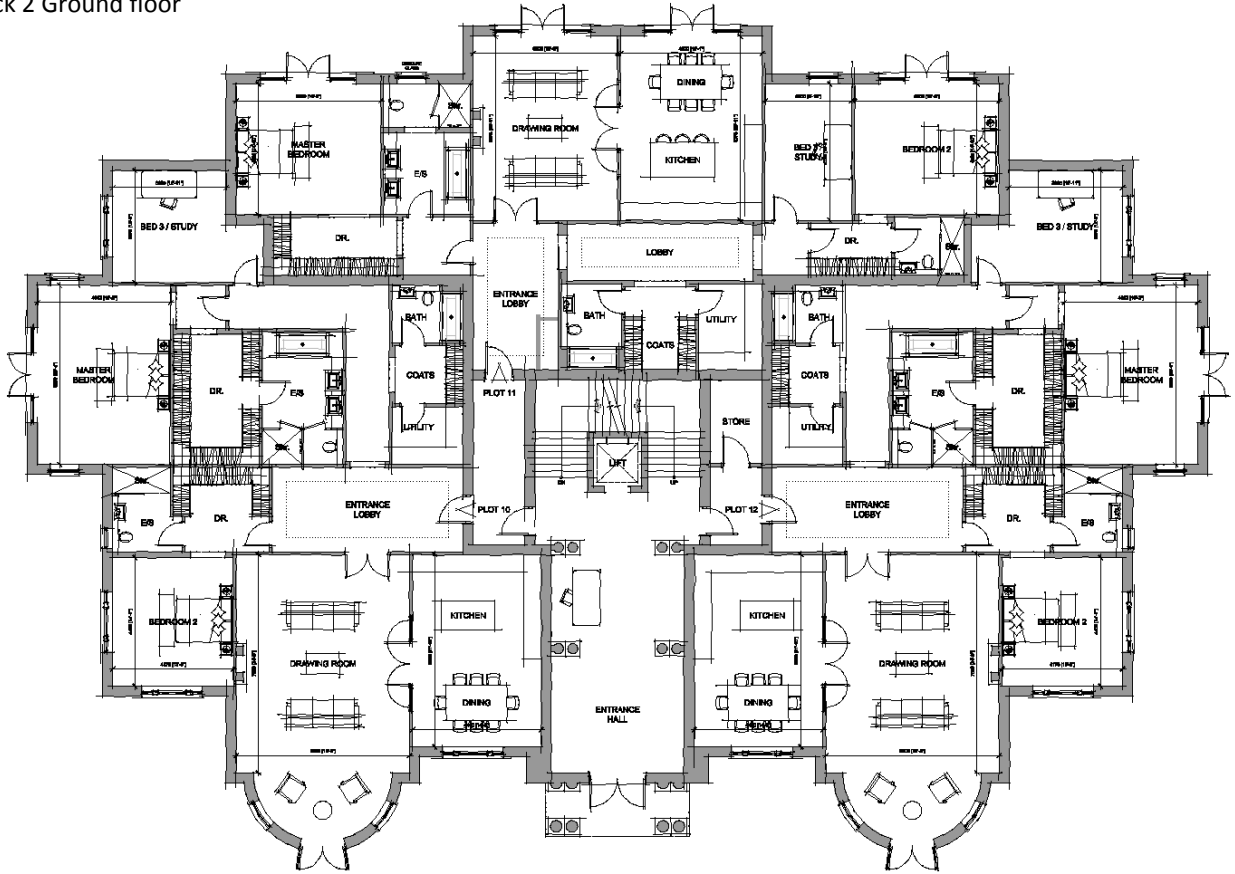
Block 1—Second floor



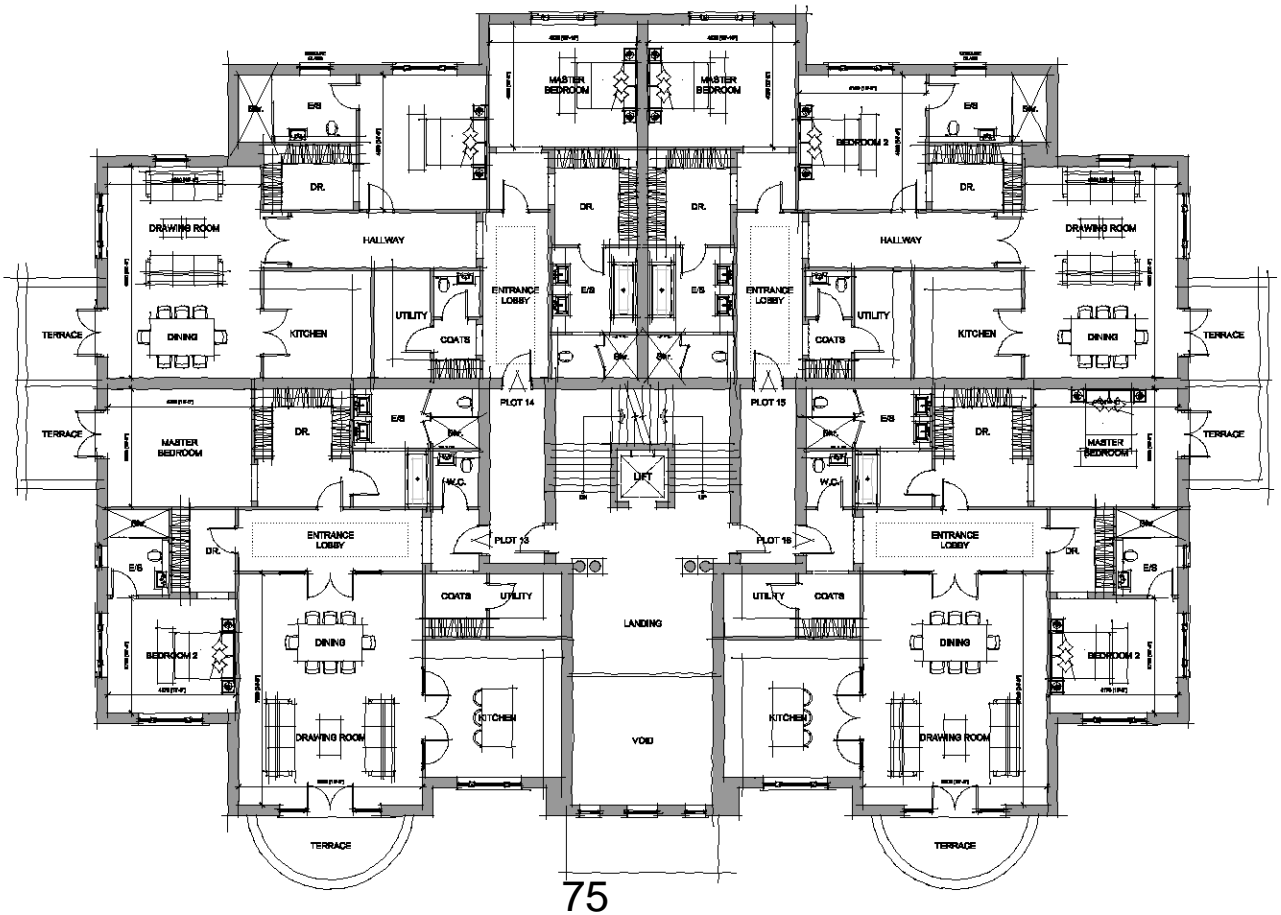
Block 1—Basement



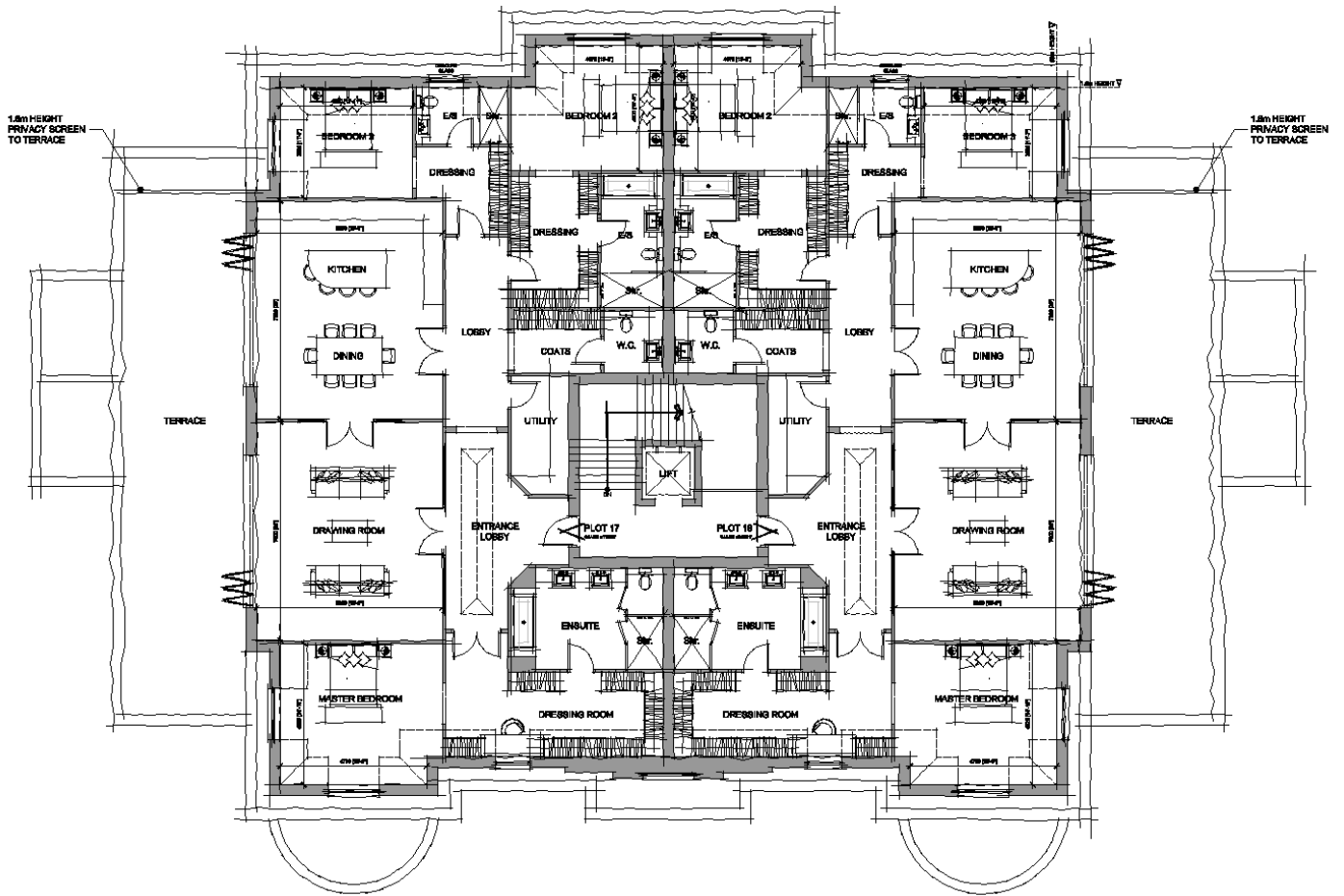
Block 2 Ground floor



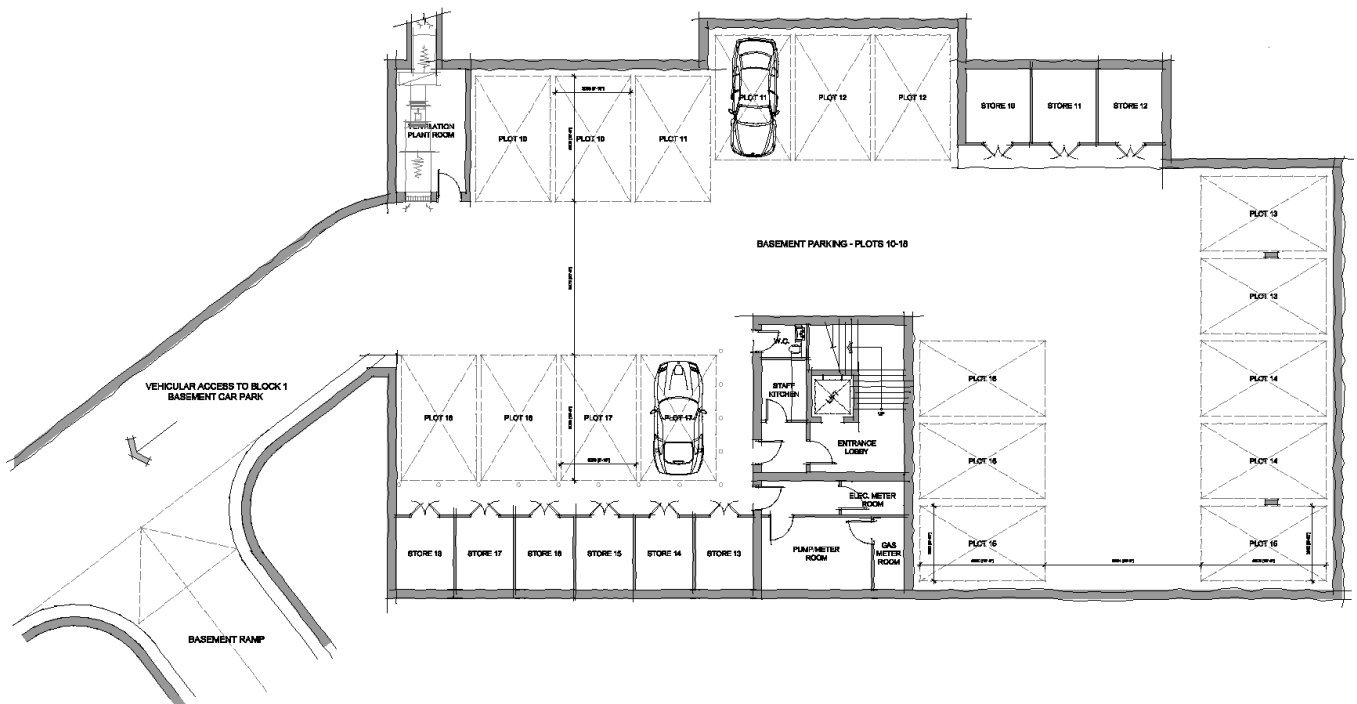
Block 2 First floor



Block 2—Second Floor



Block 2—Basement



## DEVELOPMENT CONTROL PANEL

4 September 2019

Item: 4

<b>Application No.:</b>	19/00313/FULL
<b>Location:</b>	Alexandra Gardens Barry Avenue Windsor SL4 5JA
<b>Proposal:</b>	Construction of ice rink and attractions annually between October and January for the years 2019 -2022.
<b>Applicant:</b>	Mr Coleman
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Windsor Unparished/Castle Without Ward

**If you have a question about this report, please contact:** Briony Franklin on 01628 796007 or at [briony.franklin@rbwm.gov.uk](mailto:briony.franklin@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 The application seeks planning permission for the temporary use of Alexandra Gardens to host visitor/tourist attractions for the Christmas Period. The attractions include an ice rink and a number of attractions and rides. The proposed use of the park is for a temporary period to operate annually between the months of October and January for the years 2019- 2022.
- 1.2 The application differs slightly from the previous temporary planning permission granted under 17/04007/FULL. The site area of the Gardens to be utilised has increased and there have been some slight changes to the rides and attractions and their siting and layout.
- 1.3 As before, the development would be visible from the adjacent Conservation Area, however the use would only be there for a temporary period, and the proposed attractions are reasonably low in height. It is not considered the development would cause harm to the Conservation Area. In addition, as the proposal would be for a temporary period only, it is not considered to result in the loss of an important urban open space.
- 1.4 The proposal is considered to be acceptable on highway and parking grounds. A Noise Management Plan will be secured by condition to enable noise from the site to be properly controlled and mitigated to safeguard the amenities of local residents. Since the last application the flooding designation has changed from Flood Zone 2 to 3. However given that the use is temporary and does not involve any permanent construction no objection is raised on flooding grounds. The application has been satisfactorily amended to overcome concerns relating to the impact on some of the trees.

**It is recommended the Panel grants planning permission with the conditions listed in Section 13 of this report.**

### 2. REASON FOR PANEL DETERMINATION

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

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

3.1 Alexandra Gardens is a rectangular area of open space which run in an east to west direction between Goswell Road and Barry Avenue close to Windsor Town Centre. The gardens comprise large areas of lawn with trees/planting and is intersected with a number of paved walkways. The site lies close to the River Thames and a coach park lies to the south of the site. Views of Windsor Castle are available from the Gardens.

#### 4. KEY CONSTRAINTS

4.1 Alexandra Gardens is designated as an Important Urban Open Space in the Local Plan. The Inner Windsor Conservation Area lies to the east of the Gardens on the opposite site of Goswell Road. The site lies within Flood Zone 3 and within the setting of the River Thames.

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

5.1 As in previous years the application proposes the temporary use of part of Alexandra Gardens for visitor/tourism attractions, including a covered ice rink, a small outdoor ice rink, a covered seating area and skate counter and rides/attractions for children and adults. Planning permission is sought for the construction of the ice rink and attractions annually between October and January for the years 2019- 2022 i.e. the next 3 years. This would enable the attractions to be assembled in October/November, to operate from November until January and to be cleared/removed from the site by the end of January. The land would be restored/reinstated to its former condition by the end of February.

5.2 The size of the application site has been increased since the previous application and now extends a further 25m further west into the Gardens. The attractions now include a 'Big Screen' in the bandstand measuring 2m by 9m which would show festive themed movies and would be linked to 6 x 42" LED screens situated around the ice rink inside the marquee structure. As before the rides include Dodgems, Race O Rama, Twister, Bungee Trampolines and mini planes. The Santa's Sleigh ride replaces the Flying Dumbo ride following local concerns about the lights. A Waltzer, a Helicopter ride and Toy ride are also now proposed which replace two previous rides. The number of rides has increased by one, to nine. The aim is to provide more family orientated rides and events. The layout of the attractions has also been slightly revised and spread out over a larger area. A 'Mural wall' is proposed which comprises Heras security fencing panels covered in a canvas material. The Mural wall would measure approximately 18m in length by 2m in height. It is intended that Primary schools in the area would be invited to paint a section of the 'wall' and the winners would win an ice skating session for their school.

Ref.	Description	Decision and Date
17/04007/FULL	Construction of ice rink and attractions from 30 <sup>th</sup> October 2018 to 21 <sup>st</sup> January 2019	Permitted 30.4.18
17/00895/FULL	Construction of ice rink and attractions from 30 <sup>th</sup> October 2017 to January 21 <sup>st</sup> 2018.	Permitted. 22.8.17
16/01788/FULL	Construction of ice rink and attractions from November to January	Approved 22.07.2016

15/01800/FULL	Erection of an Ice Rink with family funfair attractions for a temporary period for use by public over Christmas period from November 2015 until January 2016	Approved 21.08.2015
15/00092/FULL	Bandstand with surrounding paving	Approved 03.03.2015
14/04074/FULL	Erection of a transportable amusement ride (sky swing) with kiosk/ catering area for a temporary period.	Refused 05.03.2015
14/02390/FULL	Erection of an Ice Rink with family funfair attractions for a temporary period to be constructed from the 13th November 2014 in use between the 26th November 2014 through to 7th January 2015 and dismantled from site by 14th January 2015	Approved 10.10.2014
12/00875/FULL	Erection of an observation/Ferris wheel with associated equipment and facilities for a temporary period to be constructed from the 11 May 2012 in use between the 18th May 2012 through to 15th July 2012 and dismantled and removed from site by 20th July 2012	Approved 25.05.2012
11/00128/FULL	Erection of an observation/Ferris wheel with associated equipment and facilities for a temporary period to be constructed from the 4th April 2011 in use between the 9th April 2011 to 30th October 2011 and dismantled and removed from site by 4th November 2011.	Approved 17.03.2011
10/00009/FULL	Erection of an observation/Ferris wheel with associated equipment and facilities for a temporary period to be constructed from the 15th March 2010 in use between the 27th March 2010 to 31st October 2010 and dismantled and removed from site by 6th November 2010.	Approved 18.02.2010
08/03102/FULL	Erection of an observation/Ferris wheel with associated equipment and facilities for a temporary period from 2nd April 2009 to 1st November 2009 and dismantled and removed from site by 8th November 2009	Approved 23.02.2009
08/00279/TEMP	Erection of a 52m high observation/Ferris wheel with associated equipment and facilities for a temporary period 17th June to 7th November 2008	Approved 11.06.2008
07/02201/VAR	Variation of Condition 1 (discontinuation) of permission 07/00074 to allow The Wheel to operate until 9th November 2007	Approved 08.10.2007
07/00074/TEMP	Erection of a 55 metre high observation/ Ferris wheel with associated equipment and facilities for a temporary period of 16 weeks	Approved 01.03.2007
06/00705/TEMP	Erection of a 55 metre high observation/Ferris wheel with associated equipment and facilities for a temporary period of 12 weeks	Approved 26.05.2006

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

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

Within settlement area	Flood Risk	Setting of the Conservation Area	Highways and Parking	Trees
DG1, NAP3, R1, N2	F1	CA2	P4, T5	N6

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

## 7. **MATERIAL PLANNING CONSIDERATIONS**

### **National Planning Policy Framework Sections (NPPF) (2019)**

Section 4 - Decision-making

Section 8 – Promoting healthy and safe communities

Section 9 - Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 14- Meeting the challenge of climate change, flooding and coastal change

Section 16- Conserving and enhancing the historic environment

### **Borough Local Plan: Submission Version**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Acceptable impact on River Thames corridor	SP4
Visitor Development	VT1
Impact on setting of Conservation Area	HE1
Manages flood risk and waterways	NR1
Trees, Woodlands and Hedgerows	NR2
Open Space	IF4
Environmental Protection	EP1, EP3 & EP4

- 7.1 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.

7.2 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)  
**Other Local Strategies or Publications**

7.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy – view at:

More information on these documents can be found at:  
[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

14 occupiers were notified directly of the application.

The planning officer posted a site notice advertising the application on the 7<sup>th</sup> March 2019.

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

Comment		Where in the report this is considered
1.	Object to use of this historic, public, green amenity space adjacent to the river for such a use.	Paragraphs 9.2-9.5
2.	Extensive period of time that the area is closed off to the public and the damage caused by the heavy construction every year is unacceptable.	Paragraph 9.4
3.	Loss of historic views of the castle.	Paragraph 9.3
4.	Expansion of the site to include fairground rides is deplorable.	Paragraph 9.3

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	The site now lies within Flood Zone 3 (high probability of flooding) rather than Flood Zone 2.  It is noted that the application is not for a permanent structure and is for a short temporary period. In this instance no objection is raised to the development.	Paragraphs 9.8-9.12
Environmental Protection	A Noise Management Plan and restrictions on Construction Working hours, delivery and collection times are suggested.	Paragraphs 9.6 & 9.7

Highways	No objection to the site's continued operation.  The Travel Plan received on the 24 <sup>th</sup> June 2019 is acceptable.	Paragraphs 9.13 & 9.14
Tree Officer	There are many important trees within the park. A number of the rides/attractions are sited within the root protection area of several trees and some under the crown spreads.  The amended layout and the tree protection measures which include the laying of temporary track- ways during installation and removal of the rides/attractions to provide ground protection within the RPAs of the trees are acceptable.	Paragraphs 9.15-9.17

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The impact on the character and appearance of the Conservation Area;
- ii Impact on Important Urban Open Space;
- iii The impact on the living conditions of occupiers of nearby properties;
- iv The impact on the area liable to flood;
- v Highway safety and parking.
- vi Impact on trees

### **The impact on the character and appearance of the Conservation Area**

9.2 The Inner Windsor Conservation Area lies to the east of the site on the opposite side of Goswell Road. Local Plan policy CA2 requires that any development should enhance or preserve the character or appearance of the Conservation Area and requires the protection of views that contribute to the distinctive character of the Conservation Area. Emerging policy HE1 requires development proposals to conserve and enhance the character, appearance and function of heritage assets and their settings and respect the significance of the historic environment.

9.3 The use of Alexandra Gardens for visitors/tourism attractions, including an ice rink and other rides/attractions would be visible from the Conservation Area. However, as previously considered, the use would only be there for a temporary period, and the proposed attractions would be relatively low in height. The rides would have a maximum height of 6m and the marquees would have a maximum height of 4.68m. On this basis it is not considered that the development would harm the character or appearance of the adjacent Conservation Area or adversely impact on the views which contribute to the distinctive character of the Conservation Area including views of Windsor Castle. The increase in site area and the revisions to the rides/attractions including a revised layout are considered to be acceptable and the proposal would accord with Local Plan policy CA2 and emerging policy HE1.

### **Impact on Important Urban Open Space and the setting of the Thames**

- 9.4 Alexandra Gardens is designated as an Important Urban Open Space in the adopted Local Plan and policy R1 seeks to protect these spaces. Emerging policy IF4 seeks to protect, maintain and where possible enhance existing open space. Only part of the Gardens is to be used for a limited period of time during the winter months when public use would be more limited. The rest of the Gardens would remain unaffected. The land would be reinstated to its original condition when the structures are removed. At the time of the planning officer's site visit in early March 2019 the ground had been reseeded and was recovering well after the removal of all the equipment/structures. In addition, the scheme is likely to provide additional benefits to the local economy and town centre by attracting additional visitors/ tourists into the town. Whilst this scheme would not be acceptable on a permanent basis, the scheme on a temporary basis, is considered to be acceptable and would accord with Local Plan policy R1 and emerging policy IF4.
- 9.5 The site lies within the River Thames setting and Local Plan policy N2 and emerging policy SP4 seek to conserve and enhance the setting of the Thames. The site is reasonably well screened by trees and hedges and given the nature of the temporary development would not give rise to an unacceptable impact on the character and setting of the River Thames.

#### **The impact on the living conditions of occupiers of nearby properties**

- 9.6 There are no residential properties situated immediately adjacent to the site. The nearest residential properties lie to the south east of the site on the opposite side of Goswell Road. Local Plan policy NAP3 will not grant planning permission for proposals likely to emit unacceptable levels of noise, smells or fumes beyond the site boundaries. Emerging policies EP1, EP3 and EP4 seek to protect residential amenity from noise, smell and light pollution.
- 9.7 As before it is intended to impose a condition to restrict the hours of operation to between 10am and 9pm in order to protect the amenities of the residential occupiers. The 'Event Plan & Risk Assessment' submitted with the application sets out some control measures in dealing with noise. However further information is required to be submitted and the applicant has agreed to the imposition of a condition to require a Noise Management Plan to be submitted and approved in order to ensure that potential noise from the site is properly controlled and mitigated. On this basis it is considered that the proposal would not result in an unacceptable impact on the living conditions of the nearby properties and the proposal would accord with Local Plan policy NAP3 and emerging policies EP1, EP3 and EP4.

#### **The impact on the area liable to flood**

- 9.8 Following recent flood remodelling, the Flood Map for Planning has been updated and the site now lies within Flood Zone 3 (high probability of flooding). Local Plan policy F1 does not permit development within areas liable to flood if it cannot be demonstrated that the proposal would not of itself, or cumulatively in conjunction with other development 1) impede the flow of flood water; or 2) reduce the capacity of the flood plain to store flood water; or 3) increase the number of people or properties at risk from flooding.
- 9.9 The Environment Agency has confirmed that given that the application is not for permanent structures and is for a short temporary period they would raise no objection in this instance.

- 9.10 The Flood Risk Statement submitted with the application confirms that no persons will be staying on site overnight, except Security personnel. Additional flooding information has also been supplied in the 'Event Plan & Risk Assessments' (p.11). It sets out measures for dealing with a flood event. If the site and the surrounding area is under an imminent flood risk then the event will be closed and advertised on the website and social media platforms to ensure that the public are made aware of the closure. If the Met office issues a red warning of flooding and adverse weather conditions, then the event will be closed immediately. If a flash flood were to occur, then the event would be closed immediately and evacuated via the southern exit of Alexandra Gardens towards the adjacent coach park which is situated on higher ground. Details of the available emergency exit routes have been shown on a site location plan included in Appendix 7 of the 'Event Plan and Risk Assessment'.
- 9.11 The proposal would involve a temporary change of use of the land and would fall within the 'less vulnerable' Flood Risk classification. In this case no Sequential or Exception test is required in accordance with paragraph 164 of the NPPF and adequate details to ensure safe access and escape routes have been provided.
- 9.12 It is considered that the proposal is acceptable in terms of Local Plan policy F1 and the guidance set out in Section 14 of the NPPF.

#### **Highway safety and parking**

- 9.13 The site is located close to Windsor town centre, in an area of good accessibility, close to the railway stations and public transport. Visitors would also have the use of existing on-street parking in Barry Avenue and several public car parks. There has been no reported highway or car parking issues in previous years. With the growing nature of the attraction and the potential increase in visitors/spectators visiting the attraction it was considered necessary to show how the increase in growth resulting in more trips would be managed. A Travel Plan was received on the 24<sup>th</sup> June 2019 and the Highway section has confirmed its acceptability. The development shall be carried out in accordance with the Travel Plan and a condition imposed accordingly.
- 9.14 The proposal accords with Local Plan policies P4 and T5.

#### **Impact on trees**

- 9.15 There are many important trees within the park, mainly confined to the boundaries. Local Plan policy N6 requires the retention of existing trees and their adequate protection. Emerging policy NR2 requires development proposals to carefully consider the impact of the proposed development on existing trees.
- 9.16 A number of the rides/ attractions were originally shown to be sited within the root protection area (RPA) of several trees and under the crown spread of some of the trees. The siting of the rides/attractions has been revised in order to avoid the RPA's and crown spread of the trees and the tree officer has confirmed acceptance of this revised layout. Additional tree information has been supplied during the course of the application which includes a tree survey plan to show the RPA's and details of the routes of the ride installation vehicles. The vehicles move, as much as possible, on the current tarmac paths and paved areas to their intended destinations. Where the rides need to be manoeuvred onto the grass, ground protection in the form of a Euromat is proposed to be used. The mats link together to form a temporary roadway to enable equipment to be installed whilst limiting soil impaction and damage to the ground. Whilst the rides are in operation and open to the public, pedestrian track matting will

be installed around all attractions to limit any damage and ground compaction. Once the event is over the ground is re-turfed and reinstated.

- 9.17 The ground protection measures are considered to be acceptable and the proposal now accord with Local Plan policy N6 and emerging policy NR2.

## 10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

The proposal is not CIL liable.

## 11. CONCLUSIONS

- 1.1 As before, notwithstanding that the proposal is located in a sensitive location, the fact that the proposal is being sought for a temporary period over the Christmas period for the next 3 years and taking into account the associated spin-off benefits to the local economy and town centre, the scheme is considered to be acceptable on a temporary basis. The application is also considered to comply with the relevant policies set out in the adopted Local Plan and emerging Borough Local Plan.

## 12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings of rides/attractions
- Appendix C – Tree Protection Plan and Measures

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

- 1 The development shall operate as follows:

Year 1 - Not commence until 28th October 2019 and shall be open to the public between 16th November 2019 and 5th January 2020. The structures and equipment shall be removed from the site by 20th January 2020 and the land reinstated/restored to its former condition by the end of February 2020.

Year 2 - Not commence until 26th October 2020 and shall be open to the public between 15th November 2020 and 10th January 2021. The structures and equipment shall be removed from the site by 24th January 2021 and the land reinstated/restored to its former condition by the end of February 2021.

Year 3 - Not commence until 25th October 2021 and shall be open to the public between 14th November 2021 and 9th January 2022. The structures and equipment shall be removed from the site by 23rd January 2022 and the land reinstated/restored to its former condition by the end of February 2022.

Reason: The proposal does not constitute a form of development that the Local Planning Authority would normally permit. However, in view of the particular circumstances of this application temporary planning permission is granted. Relevant saved policies - Local Plan DG1, LB2, CA2, R1 and F1.

- 2 This temporary use of the land hereby permitted shall only operate between the hours of 10:00 hours and 21:00 hours.Reason: To protect the amenities of nearby residents. Relevant saved policies - NAP3.

- 3 The height of the structures/ equipment permitted under this temporary use shall not exceed 6.25 metres in height (measured from ground level).

Reason: In order to safeguard the views of Windsor castle, and views into and out of the Conservation Area. Policy CA2

- 4 Prior to the commencement of development a Noise Management Plan detailing mitigation measures to control noise emission from amplified music and generators shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented in full and in accordance with the approved Noise Management Plan.Reason: To protect the amenities of nearby residents. Relevant saved policies -

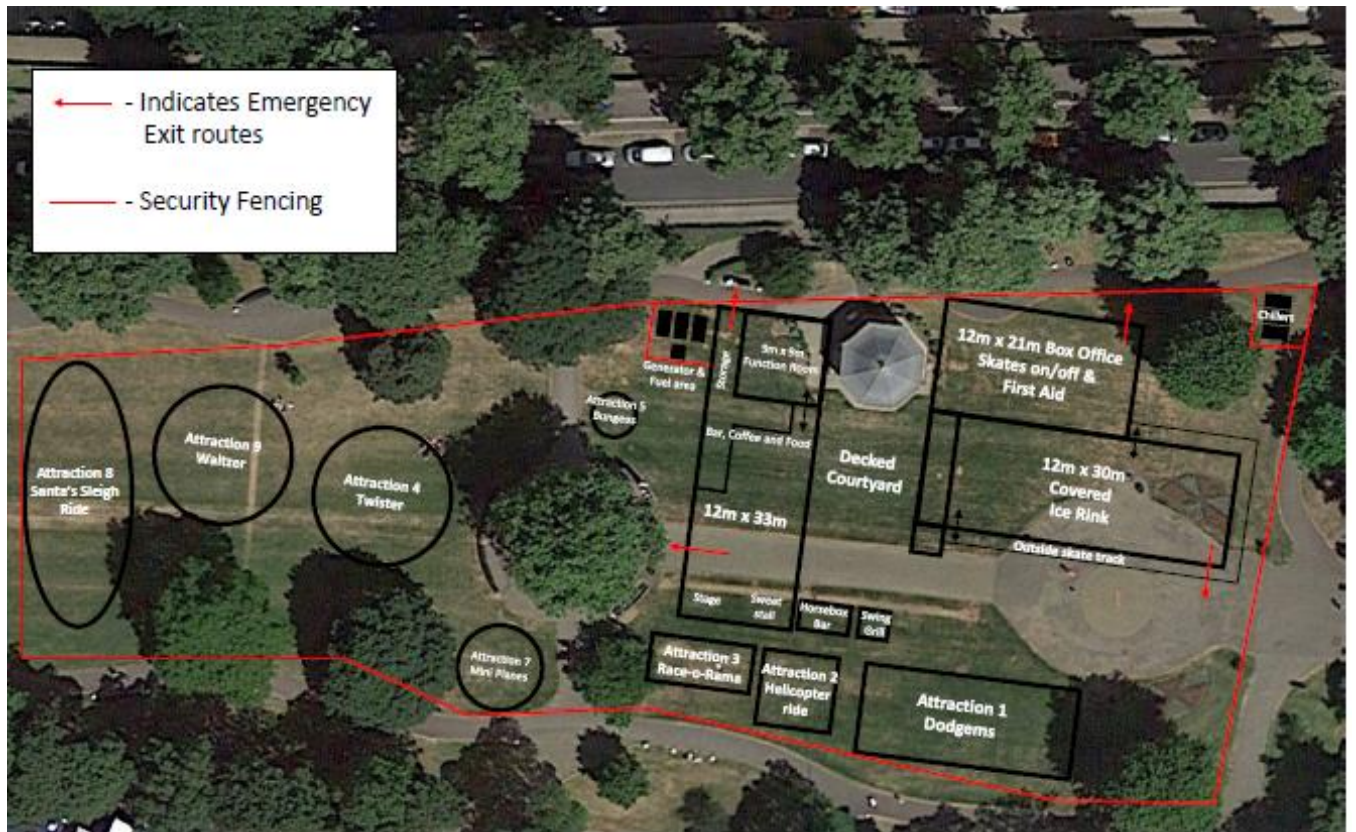
NAP3.

- 5 During the installation and removal of the rides/attractions vehicles shall be kept on the hard surfaced paths and the areas of ground protection, shown as trackways, on the tree protection plans received on the 20th August 2019.  
Reason: To protect the trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 6 The Travel Plan received on the 24th June 2019 shall be implemented in accordance with the submitted details.  
Reason: To encourage the use of alternative modes of transport, in the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 7 The development shall operate in accordance with the flooding information set out in the 'Event Plan and Risk Assessment' document received on the 3rd June 2019 (pages 11 & 12) and the emergency exit routes shown on the site location plan included in Appendix 7 of the same document.  
Reason: To ensure safe access and egress from the site in the event of a flooding event, in accordance with Section 13 of the NPPF.
- 8 The development hereby permitted shall be carried out in accordance with the approved plans listed above.  
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

APPENDIX A – SITE LOCATION PLAN AND SITE LAYOUT



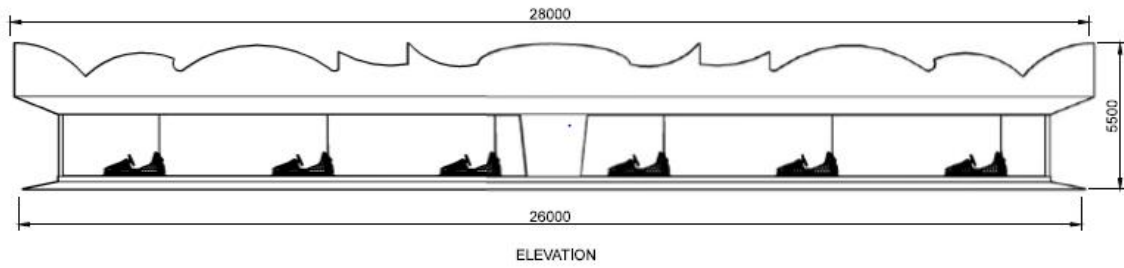
# SITE LAYOUT





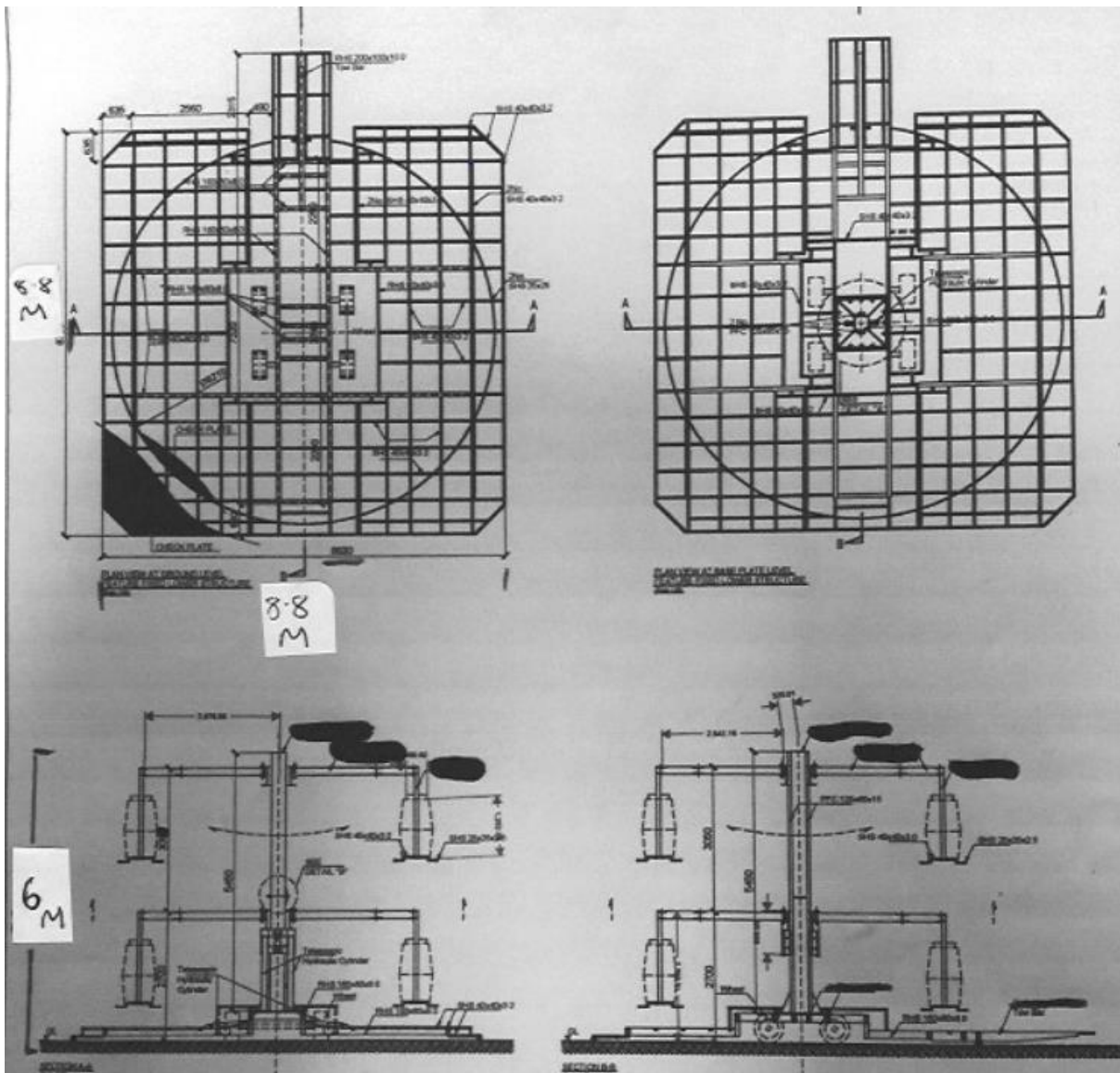
# APPENDIX B – PLAN AND ELEVATION DETAILS OF RIDES/ATTRACTIONS

## ATTRACTION 1 – DODGEMS

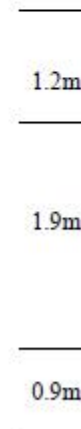
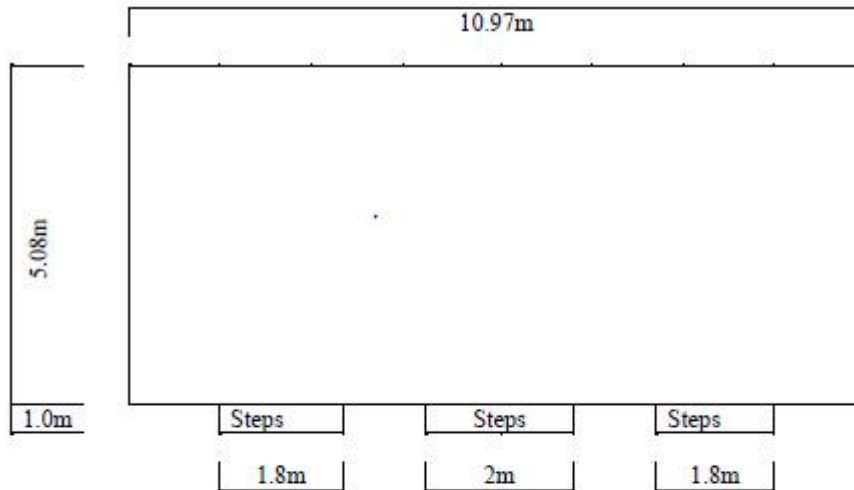


Attraction 1: Dodgems		Date: <b>15th August 2014</b>	
Project: <b>FERRIN COUPLAND</b>		Client: <b>DMG technical</b>	
Date: <b>15th August 2014</b>		Scale: <b>1:100</b>	
Sheet No: <b>1/100</b>		DMG Technical Limited 10 Cavendish Square, London, W1D 7JF, United Kingdom Tel: +44 (0)20 3318 1100 Email: <a href="mailto:info@dmgtechnical.com">info@dmgtechnical.com</a>	

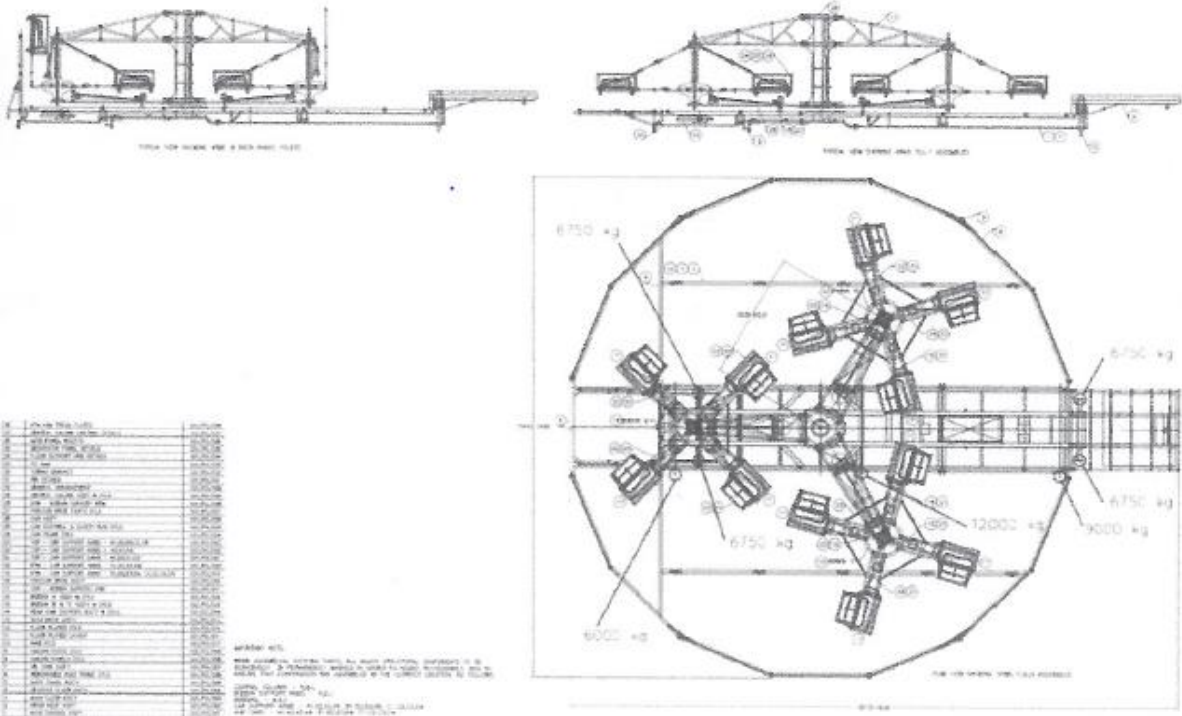
# ATTRACTION 2 – HELICOPTERS



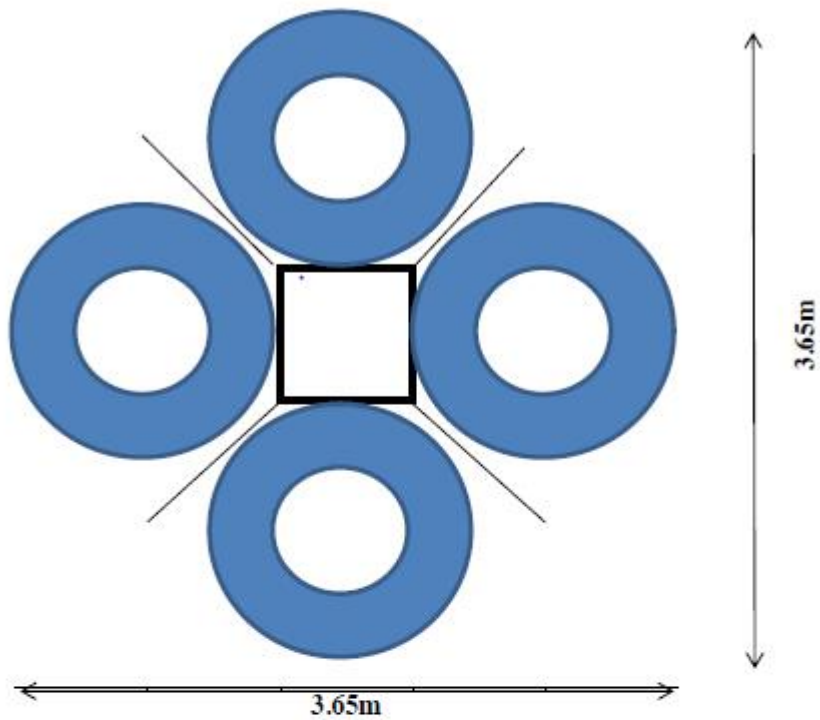
# ATTRACTION 3 – RACE O RAMA



# ATTRACTION 4 – TWISTER



## ATTRACTION 5 – BUNGEE TRAMPOLINES



The top of the centre structure is 2.1m from the ground

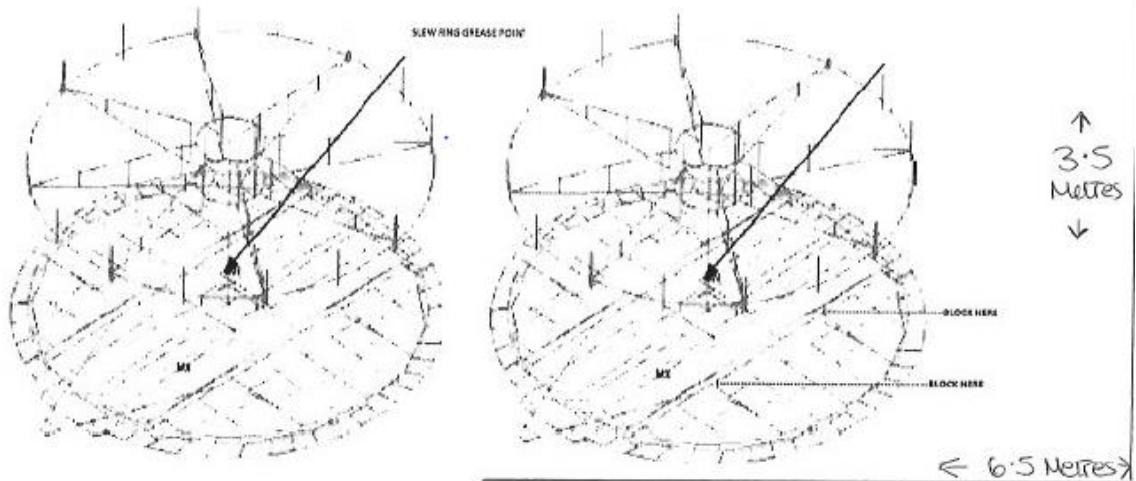
The top of the arms are 5.4m from the ground

The ride footprint is 3.65m x 3.65m

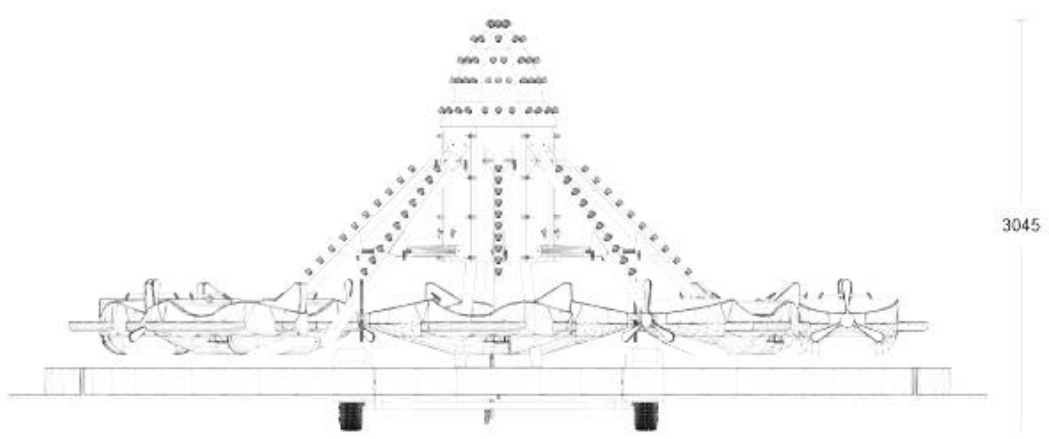
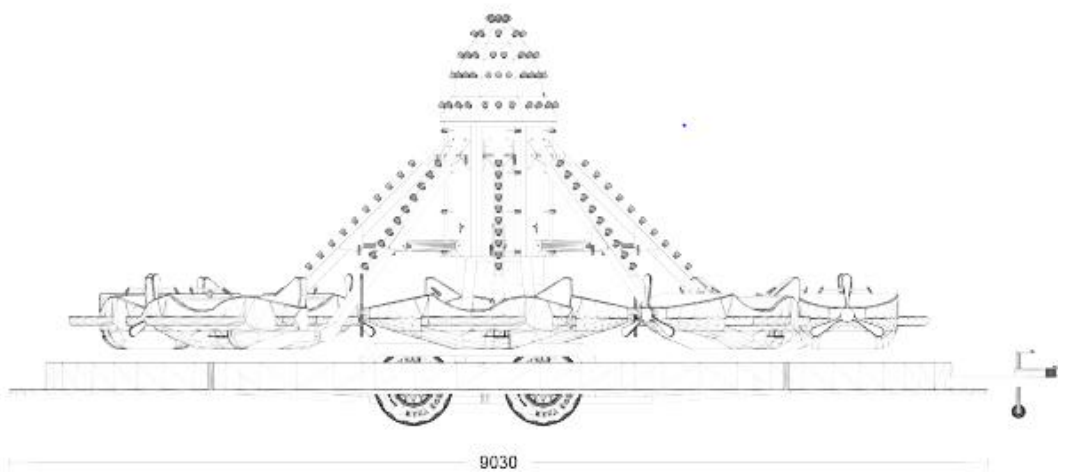
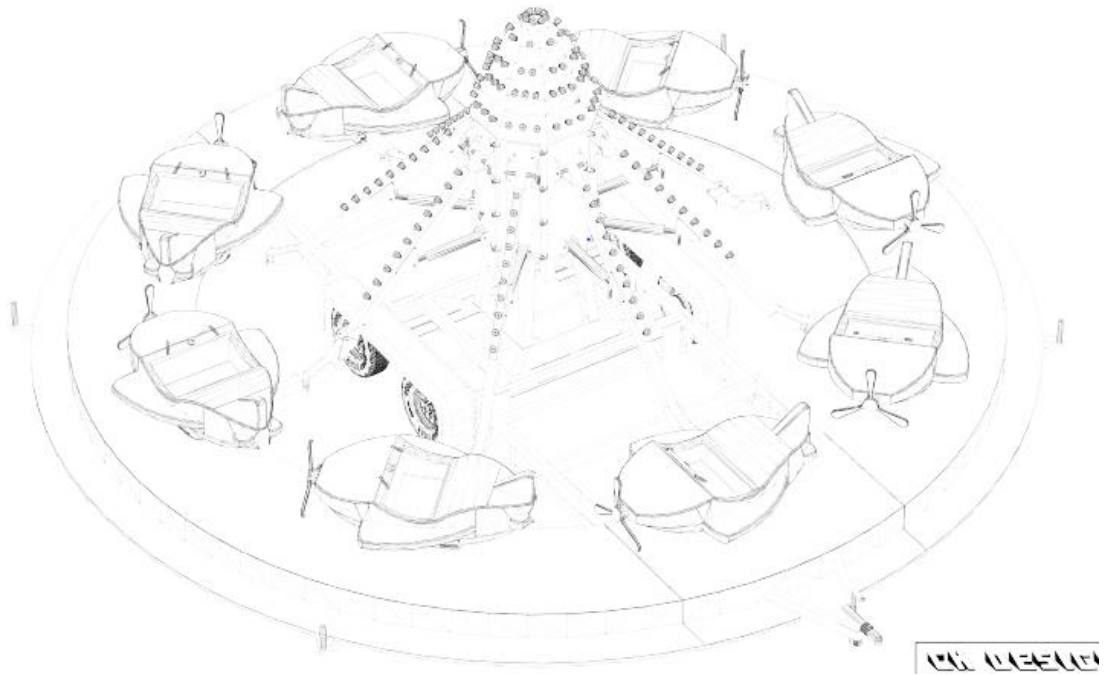
Exclusion Fencing around the ride extends that to 6m x 6m

The device is erected manually and with hand operated hydraulic cylinders

# ATTRACTION 6 – TOY CAROUSEL

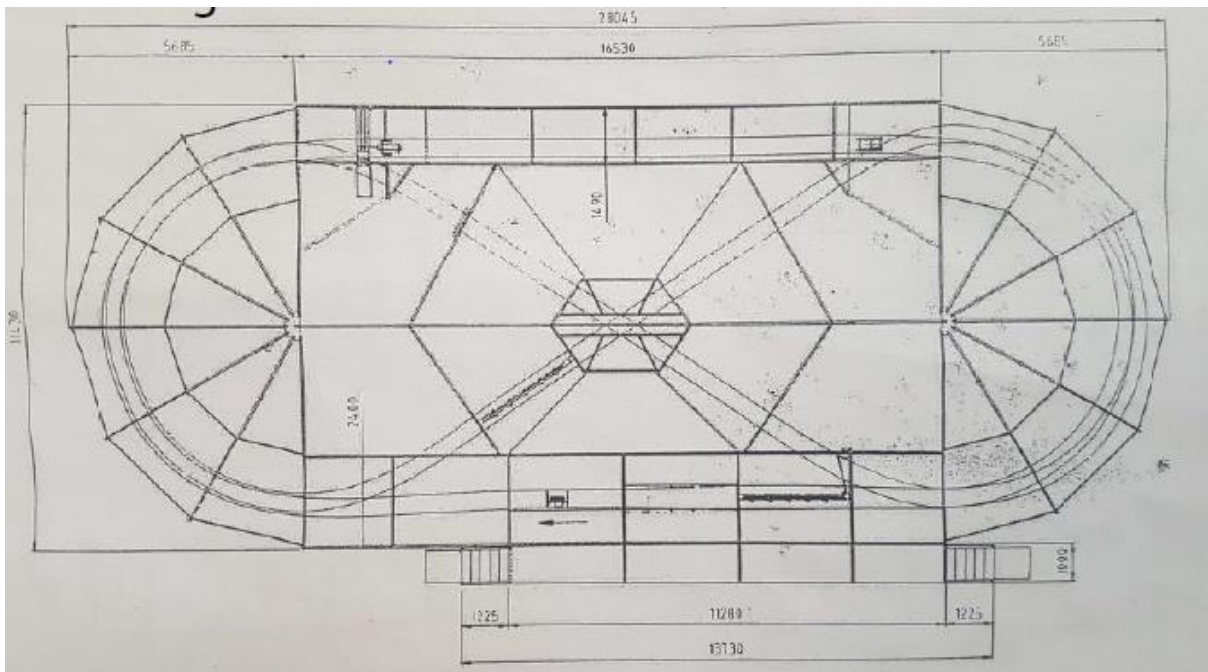
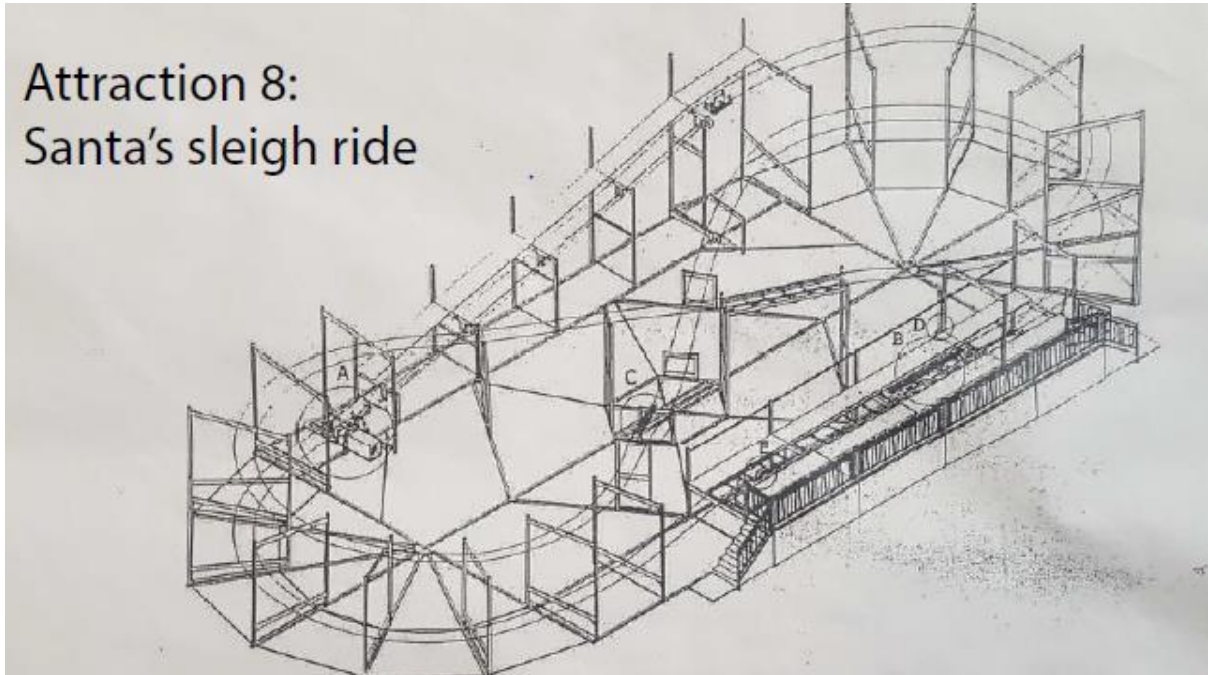


# ATTRACTION 7 – MINI PLANES



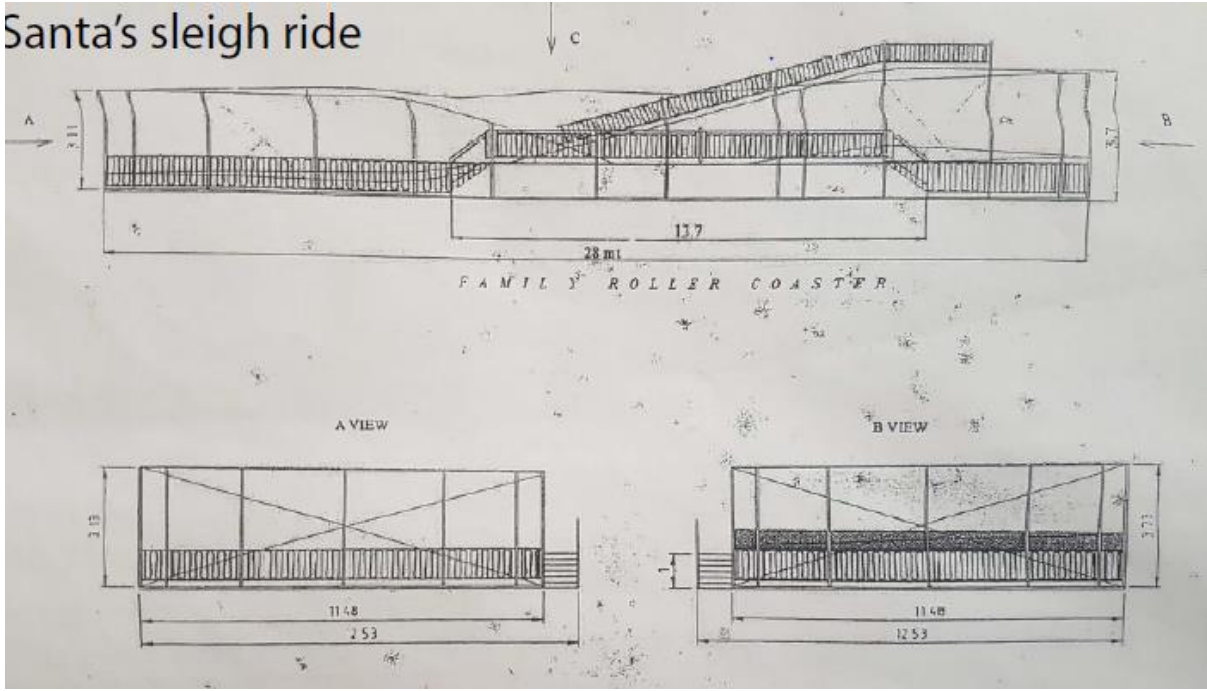
# ATTRACTION 8 – SANTA'S SLEIGH RIDE

Attraction 8:  
Santa's sleigh ride

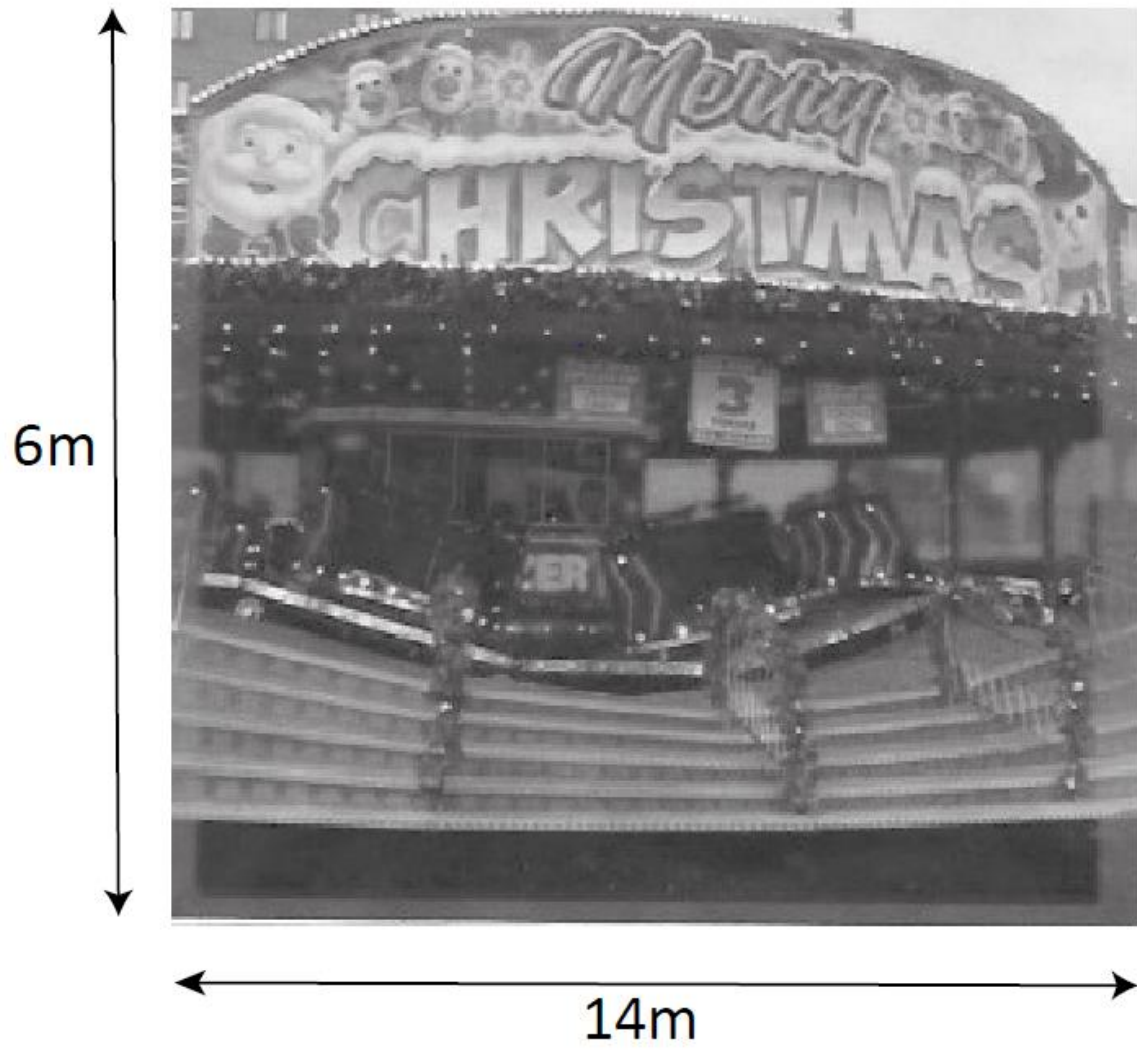




Santa's sleigh ride



ATTRACTION 9 – THE WALTZER

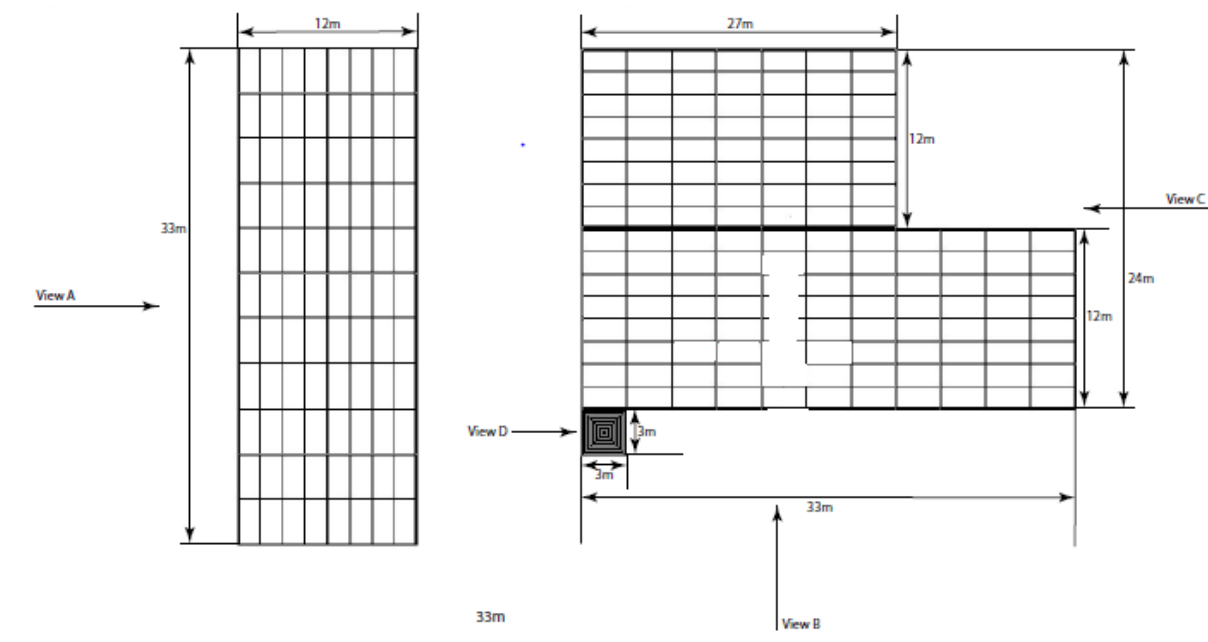


## BAND STAND - BIG SCREEN

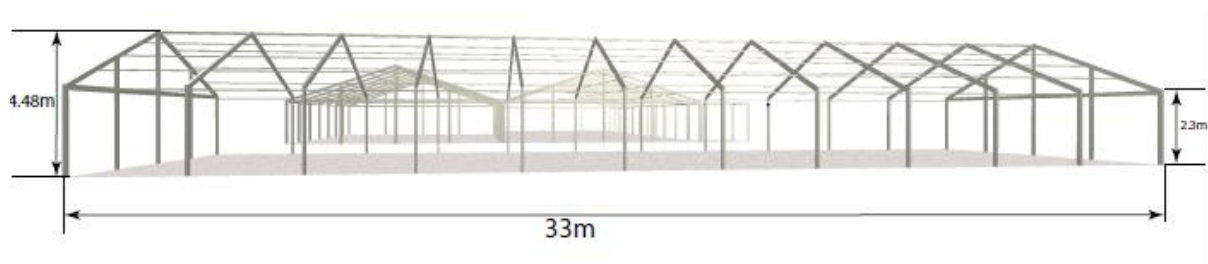


# MARQUEE – ELEVATIONS & FOOTPRINT

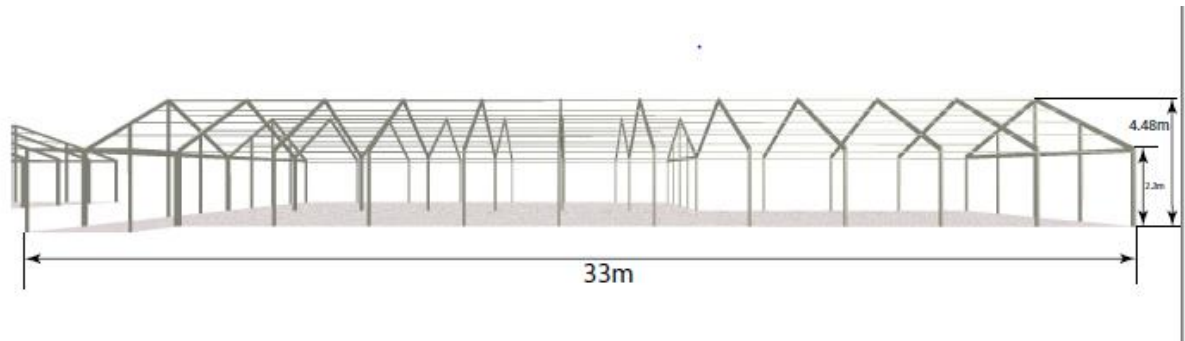
## Overview



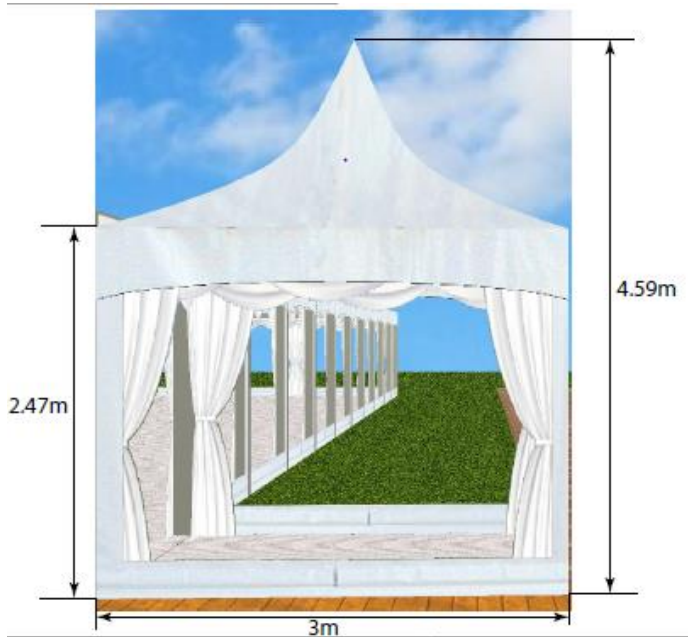
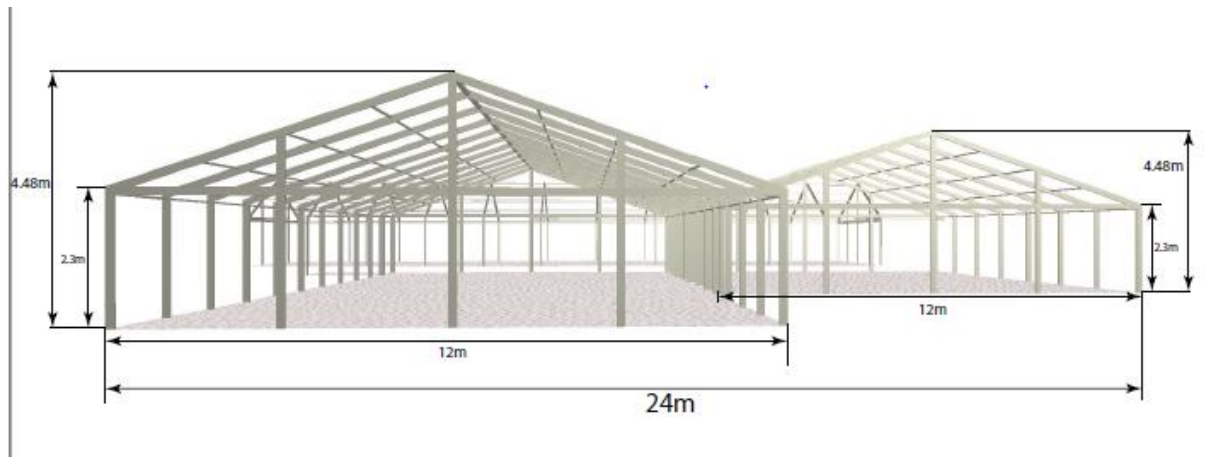
## View A



View B

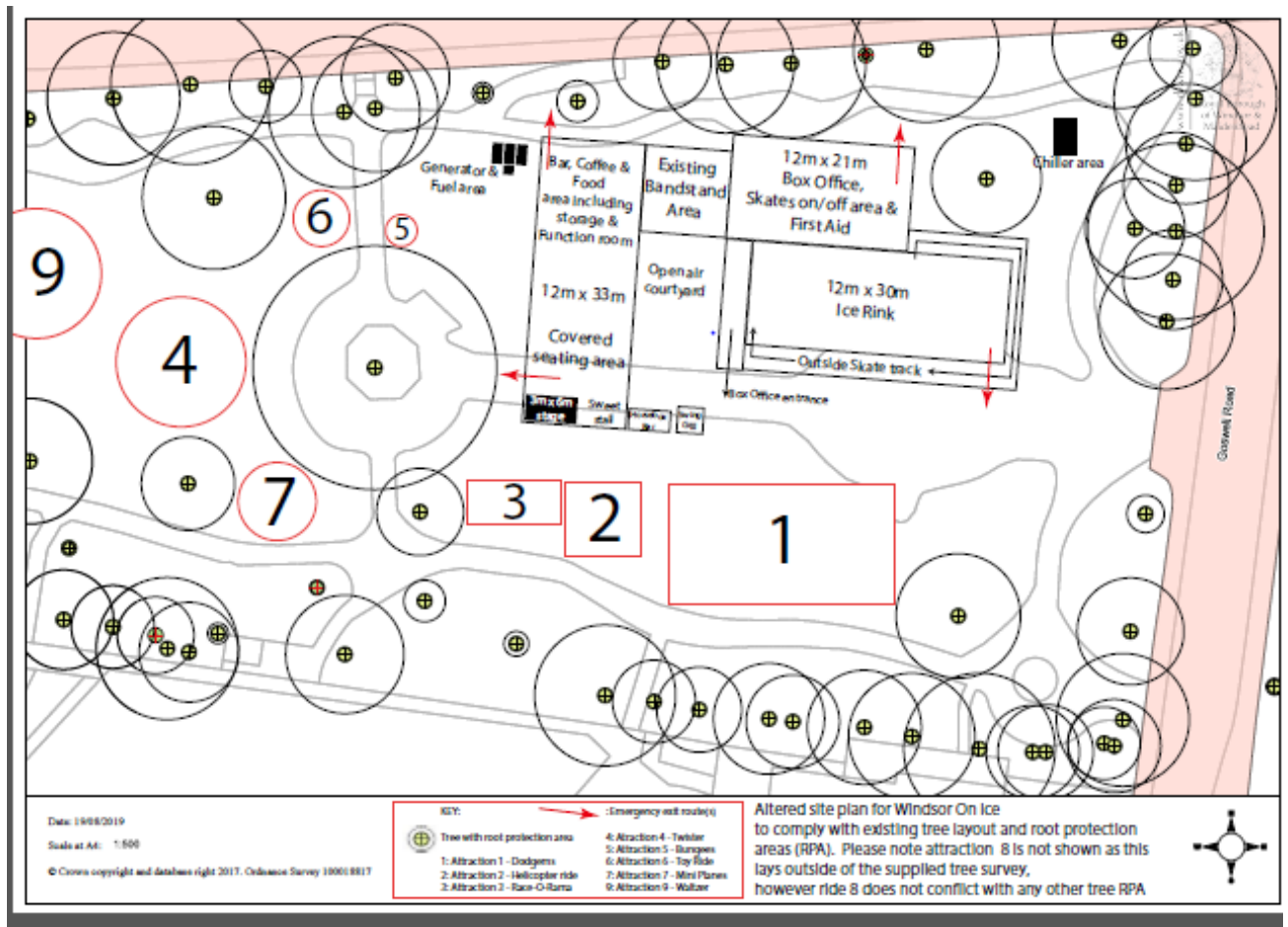


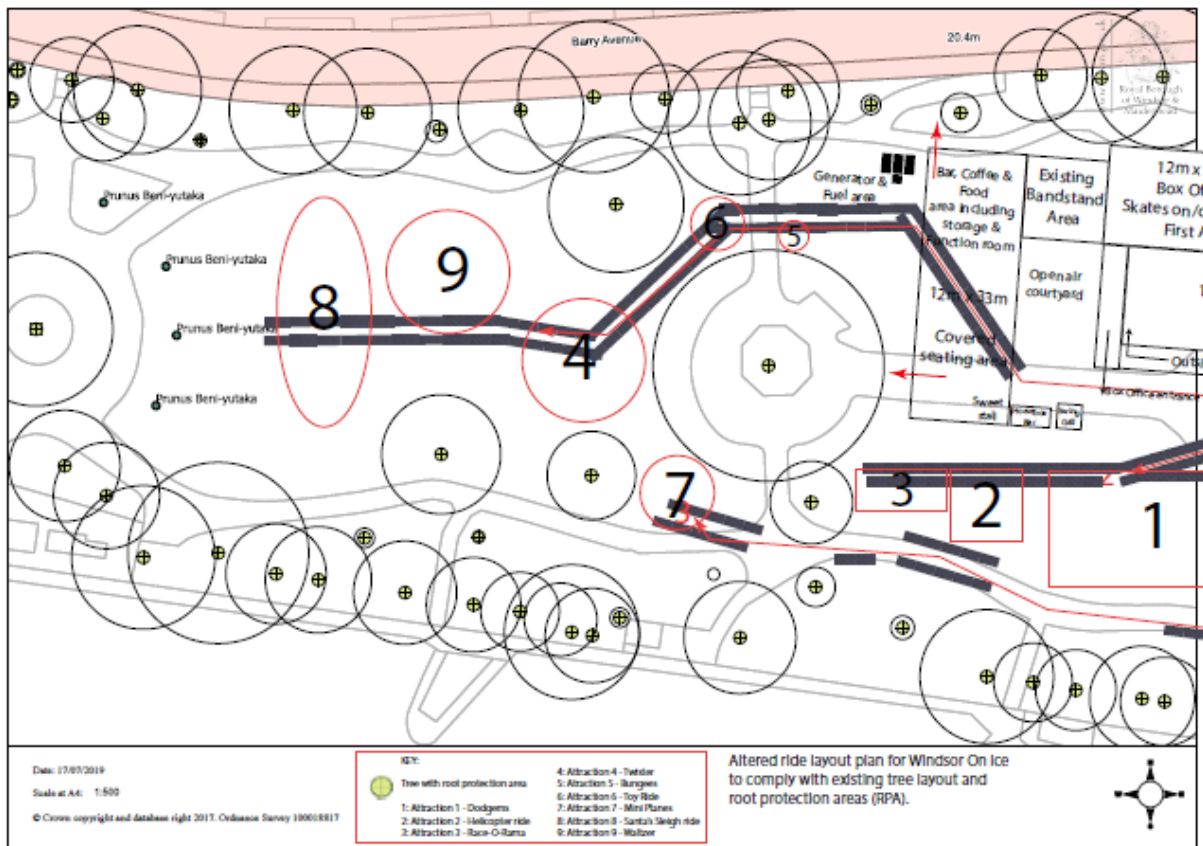
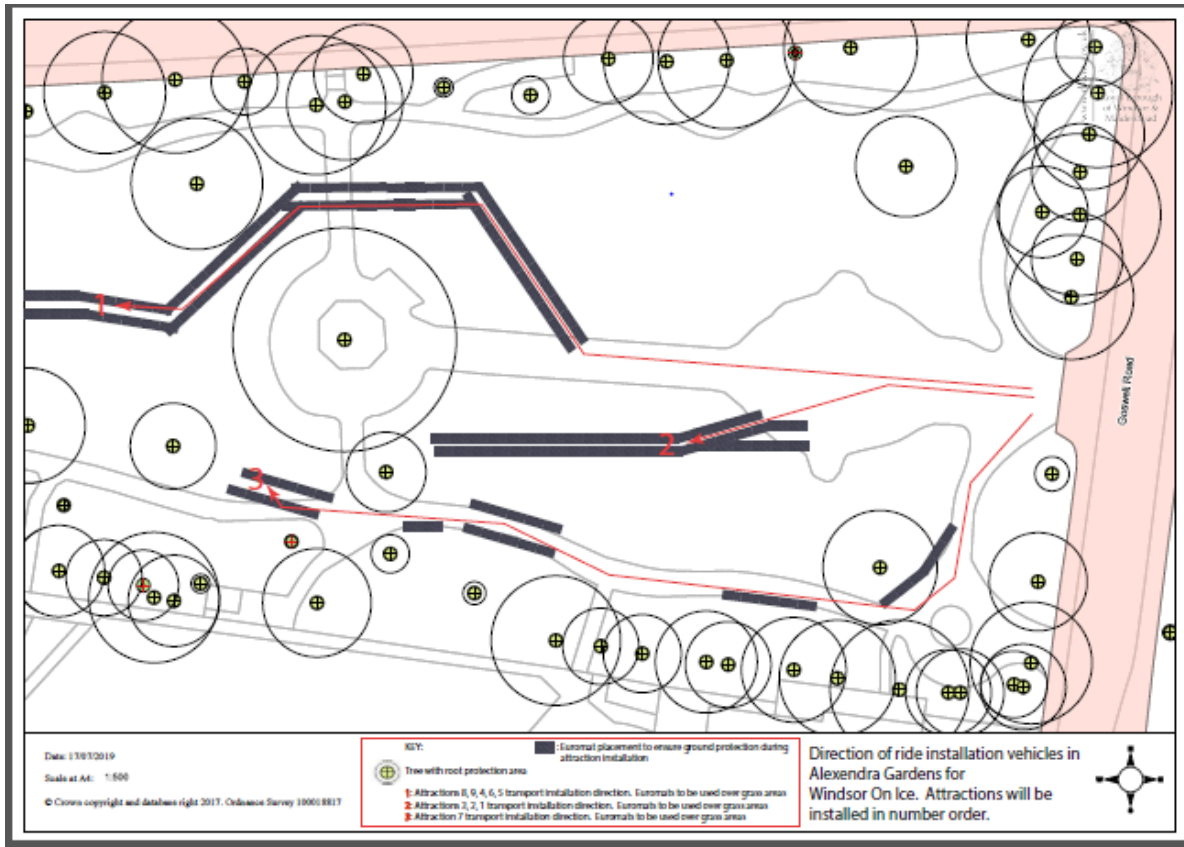
View C



View D

# APPENDIX C – Tree Protection Plan & Measures





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4 September 2019

Item: 5

<b>Application No.:</b>	19/00324/FULL
<b>Location:</b>	Charters School Charters Road Sunningdale Ascot SL5 9QY
<b>Proposal:</b>	Provision of a dual use leisure facility for combined school and community to include 25 metre 6 lane swimming pool, 8 court sports hall, gym, dance studio and ancillary accommodation, along with landscaping and parking areas.
<b>Applicant:</b>	Mr Pilgrim
<b>Agent:</b>	Mr Richard Goodall
<b>Parish/Ward:</b>	Sunningdale Parish/Sunningdale Ward
<b>If you have a question about this report, please contact:</b> Jo Richards on 01628 682955 or at <a href="mailto:jo.richards@rbwm.gov.uk">jo.richards@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 The proposed development is defined as inappropriate by national and local Green Belt policy and is harmful by virtue of its inappropriateness, the loss of openness of the Green Belt and the conflict with two out of the five purposes of the Green Belt. This harm should be held collectively in **substantial weight**.
- 1.2 The proposed scale and external appearance of the building would not relate well to the more subservient school buildings which it would sit alongside and therefore it would appear as a prominent and incongruous feature within the street scene of Charters Road and the landscape in general, to the detriment of the sylvan character of the area. This harm is afforded **significant weight**.
- 1.3 The rural location of the proposed development is defined as inaccessible and the proposed facility, which is described as a Town Centre use within the NPPF, would encourage the use of unsustainable modes of transport. The harm is afforded **significant weight**.
- 1.4 Further updates are required to the submitted Drainage report before the proposal can be said not to result in any harm to flood risk. Given that there is no in principle objection to the development on this ground however, this harm is afforded **limited weight**.
- 1.5 On the assumption that the objections on flood risk grounds can be overcome through the submission of updated technical reports, the balancing exercise needs to be applied to the primary objections listed in paragraphs 1.1-1.3 above. Various benefits have been put forward by the applicant in support of the proposal in an attempt to outweigh the aforementioned harm.
- 1.6 It has not been established that there is an underlying need for additional sporting facilities to be provided at Charters School either to deliver the PE curriculum or to relieve accommodation pressures. The weight given to educational need is therefore **limited**.
- 1.7 Whilst various social and economic benefits would arise from the proposal including the community benefits of the proposed facility including benefits to health and well-being these benefits are considered to be relatively limited and thereby the weight attached to these cumulative benefits is **moderate**.
- 1.8 Finally, it has been concluded by officers that there is not an established need for an indoor leisure facility containing these facilities within the south of the Borough and therefore the weight applied to the need for the development is only **limited**.
- 1.9 The limited weight afforded to the education need and the need for a leisure facility and the moderate weight afforded to the community benefits would not individually or cumulatively outweigh the harm as identified above to the Green Belt, character of the area and provision of a facility in an inaccessible/unsustainable location. As such, no Very Special Circumstances exist in this case.

1.10 Furthermore, the overall planning balance concludes that there are no other material considerations to outweigh all the identified harm; in fact the NPPF is a significant material consideration and the proposal does not accord with the policies contained therein and accordingly there is no justification to grant planning permission contrary to the Development Plan.

<b>It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):</b>	
<b>1.</b>	<b>The proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. Furthermore, the proposal would be harmful to actual openness of the Green Belt and result in conflict with two of the five purposes of the Green Belt.</b>
<b>2.</b>	<b>The proposed development, by virtue of its height, scale, bulk and external appearance would not relate well to the existing development within the site of Charters School which it would sit alongside. The proposed building would therefore appear as an incongruous and prominent feature within the street scene of Charters Road which would be harmful to the character of the area.</b>
<b>3.</b>	<b>The proposal comprises a town centre use within an unsustainable semi-rural location which suffers from poor accessibility and reliance on the private motor car. The proposal would therefore encourage the use of unsustainable modes of transport.</b>
<b>4.</b>	<b>The application does not demonstrate that a viable surface water drainage system will be delivered and insufficient information has been submitted to demonstrate that flood risk would not be exacerbated as a result of these proposals.</b>

**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 Charters School, is located on the southern side of Charters Road. The complex of buildings at the school is located on the western side of the school site, with the built envelope of the school being defined by open playing fields and surfaced sport pitches to the east of the site. The existing school buildings consist of a mixture of styles, ages and external materials. All of the buildings on site are either single or two storeys in height. The original red brick buildings date back to the 1950s, the single storey buildings to the 1970s and the newer sixth form building was constructed in the 2000s. A new two-storey teaching block has recently been constructed on site. Land to the north of Charters Road is also used as a playing field, with a park area immediately adjacent to the road. The school bungalow is no longer used for residential purposes, but rather for other school uses and currently accommodates the school’s specialist education unit.

3.2 The vehicular and pedestrian access to the school is provided via Charters Road to the north of the site, with a one way vehicle access system. The existing site accommodates Charters School and Charters Leisure Centre. The existing leisure centre is currently used by the school throughout the day until 16:30, at which time it becomes available to the public. Two secondary vehicular accesses are located off Devenish Road which runs along the west boundary of the school. The northern-most access point leads to a staff car park and the southern-most access point leads to Charters Leisure Centre at the south west corner of the site. Playing fields and car parking also lie within an area of land on the northern side of Charters Road opposite the school.

3.3 The site is located within a semi-rural area and lies within the Green Belt. There are residential properties located to the south and west. To the north of the school buildings is Heathermount School – a private school for children with special needs.

#### **4. KEY CONSTRAINTS**

##### 4.1 Green Belt

TPOs

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

##### Relevant History

- 5.1 Planning permission was granted for a new sports hall (GIA 2166.5m<sup>2</sup>) on a similar siting under planning application ref: 10/00544/FULL. This was then renewed under planning application 13/00424/FULL. Neither permission has been implemented and it is noted that these earlier proposals were for a sports facility to be used by the school rather than the community. Planning permission has been granted under planning application ref: 17/01222/FULL for a two storey teaching block (now known as the STEM building). This development has recently been constructed.

##### Current facilities/arrangement

- 5.2 As stated above, there is an existing leisure centre within the western part of the school site which is used by both the school and the local community. The leisure centre comprises a sports hall (4x badminton courts/1x netball/basketball court), a dance studio and 2 squash courts. The submitted facilities statement sets out that this leisure facility is for school use only on days when the school is in operation and on these days the public has access to the facilities from 4.30pm onwards. These facilities deliver the PE curriculum alongside the external playing areas which includes tennis courts, netball courts, all weather pitches and playing fields.

##### The proposal

- 5.3 The proposed leisure centre (GIA of 3,840m<sup>2</sup>) is to be located on the existing tennis courts of the Charters School site. The new leisure complex would be sited to the north-east of the existing complex of school buildings, to the north of the newer tennis courts and to the west of the all-weather pitch. The building would be sited close to the vehicular entrance point off Charters Road on the northern part of the site.
- 5.4 The proposal is for a leisure centre comprising an 8-court sports hall, 6 lane 25m swimming pool, 60 station gym, a dance studio and associated changing facilities, café and reception area. The leisure centre is for a dual use by both the school and the local community and would be open from 6am to 10pm Monday to Saturday and 7am to 9pm on Sunday.
- 5.5 The proposed development is arranged in three main sections, the swimming pool and gym building (the western part), the sports hall building (the eastern part) and a link block containing the entrance and reception area which links the two main buildings. The two main buildings are approx. 11.8m – 12.5m in height (depending on where there are measured from surrounding ground levels). The building would have a depth of between 19.5m and 20.5 and a width of 37m.
- 5.6 To facilitate the proposed leisure centre, an extension is proposed to the existing car parking area to the north of Charters Road, opposite the school. Additionally, the secondary vehicular access off Devenish Road which leads to the existing leisure centre is to be widened and this car parking area increased.
- 5.7 During the school day the proposed sports hall (the east section of the leisure centre) would be for use by the school only and the gym, dance studio and swimming pool (the west section of the leisure centre) would be open to the public. Outside school hours the whole facility would be open to the public.
- 5.8 The application has been accompanied by various plans and supported documents including:

- Planning Statement including case of Very Special Circumstances
- Sequential Test (including Impact Assessment)
- Needs Assessment
- Design and Access Statement
- Transport Report
- Ecological Appraisal
- Draft Landscape Strategy
- Noise Assessment
- Tree Report
- Drainage Assessment
- Lighting Assessment
- Statement of Community Involvement
- Facilities report

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1
Highways	P4 and T5
Trees	N6, N7
Green Belt	GB1 and GB2
Leisure	R8
Flood Risk	F1
Community Facilities	CF2

These policies can be found at [https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

### Adopted Ascot Sunninghill and Sunningdale Neighbourhood Plan (2011-2026)

Issue	Neighbourhood Plan Policy
Design in keeping with character and appearance of area	DG1, DG2 and DG3
Highways	T1
Gaps between villages	EN1

## 7. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2019)

- Section 4- Decision-making
- Section 8 – Promoting Healthy and Safe Communities
- Section 9- Promoting Sustainable Transport
- Section 12- Achieving well-designed places
- Section 13- Protecting Green Belt land
- Section 14- Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment

### 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
Manages flood risk and waterways	NR1
Trees, Woodland and Hedgerows	NR2
Nature Conservation	NR3
Makes suitable provision for infrastructure	IF1
Community Facilities	IF7

7.1 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 detail in the assessment below.

7.2 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### Other Local Strategies or Publications

7.3 Other Strategies or publications material to the proposal are:

- RBWM Indoor Sport and Leisure Facility Strategy 2016-2021
- RBWM Infrastructure Delivery Plan 2018
- RBWM Townscape 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](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

42 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 11.02.2019 and the application was advertised in the Local Press 14.02.2019

167 letters were received supporting the application, summarised as:

Comment	Where in the report this is considered
1. The development will give so many opportunities for students of Charters School	Sections i & viii

2.	The development will play an important part in education	Sections i & viii
3.	Exercise and fitness are crucial to the health and well-being	Sections i & viii
4.	The facility would be easily accessible to many people, young and old	Sections i, iv & viii
5.	Access to a swimming pool especially brings great benefit to the school and community	Sections i & viii
6.	It would be beneficial to local residents to have a leisure centre on their doorstep rather than driving to Windsor Leisure Centre, Bracknell or Camberley	Sections i & viii
7.	The extra indoor space will be invaluable for the school. Whole school assemblies are important.	Sections i & viii
8.	The facility could have a significant impact on child obesity rates in the area	Sections i & viii
9.	The Oaks would provide top quality holiday clubs for children	Sections i & viii
10.	The south of the Borough suffers from a lack of facilities, especially a good swimming pool	Sections i & viii
11.	Whilst there will be an increase in traffic the proposal would result in significant benefits to the community	Sections i, iv & viii
12.	The proposal will offer low cost facilities for the youth in the community, increasing physical and mental health	Sections i & viii
13.	The current leisure centre has limited facilities and opening hours due to school usage	Sections i & viii
14.	New housing and increased population in the Ascot area over the past 20 years means that the Council needs to increase school places and local facilities	Sections i & viii
15.	The facility will be good for older children/teenagers to access without parents having to drive them further afield	Sections i & viii
16.	There is hope that the income will be beneficial to the school	Sections i & viii
17.	Whilst the site is in the Green Belt there are very special circumstances in this case	Sections i & viii
18.	Children need somewhere to go in Ascot other than parks.	Sections i & viii
19.	The local community would be able to walk or cycle to the facility	Section iv
20.	The building is beautifully designed and will be attractive in the landscape	Section ii
21.	The Borough has invested money in the new centre at Braywick for the residents of Maidenhead. It would be amazing if the same could be done for the residents of Ascot, Sunninghill and Sunningdale	Section viii
22.	Local private gyms are overpriced	
23.	A better sports facilities would help those children and adults with education needs, mental health problems, emotional and social difficulties and depression	
24.	The new facility will help strengthen the PE curriculum and after-school opportunities at Charters School	

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

Comment	Where in the report this is considered
1. The proposed development isn't needed or particularly wanted	Sections i & viii
2. Charters School already has sufficient sporting facilities which are bought and paid for and do not need upgrading. (Charters school had an un-used pool not that long ago)	Sections i & viii
3. More importantly Sunningdale has little affordable housing to rent or buy. The issue of housing needs to be addressed first.	Not a material planning consideration
4. The funds available for this project should be spent elsewhere in the Borough on other more needed projects, including maintenance of roads and pavements	Not a material planning consideration

5.	The traffic issue is a major one. Sunning Avenue suffers from parked cars and litter from children. The junction from Sunning Avenue to Devenish Road is dangerous	Section iv
6.	Residents are already impacted by noise, traffic and floodlights which will get worse. What are the opening times?	Sections iii & iv
7.	Why isn't the money being spent to upgrade existing facilities. What about an outdoor athletics track rather than more indoor gym facilities?	Sections i & viii
8.	This building would result in the closure of the existing leisure centre and further expansion of the school	Sections i & viii
9.	Management of drop off traffic at Charters School and indiscriminate parking has a detrimental impact on highway safety and the proposed facility will increase problems.	Section iv
10.	The opening times of the leisure are not restricted in any way to avoid conflict with school opening times	If the application were to be considered favourably this could be controlled by a facilities management agreement
11.	The on-street parking spaces are not being removed and replaced with yellow lines which residents had been advised would happen	Section iv
12.	There is no suggestion of the introduction of parking marshalls	Section iv
13.	The drawings show an access way across the bellmouth of the residential property, Charters.	Section iv
14.	There isn't enough parking proposed for all the facilities combined with the staff parking resulting in an overspill to neighbouring residential roads.	Section iv
15.	A new drop off area on Devenish Road will result in major traffic and congestion problems	Section iv
16.	There is no mention of improving the local bus service	Section iv
17.	A new leisure centre should not be built in a residential area	Sections i, iv & viii
18.	A swimming pool is not needed when there are swimming pools in Windsor, Bracknell, Camberley and Wokingham	Sections I & viii
19.	Charters School is having to reduce its weekly academic hours due to cost constraints so the money would be better spent on the school	

### Statutory consultees

Consultee	Comment	Where in the report this is considered
LLFA	Objections – updates to drainage strategy required	Section vii
Sports England	No objections relating to loss of playing pitches. The proposal for a new leisure centre is supported in principle.	Section i

### Consultees

Consultee	Comment	Where in the report this is considered
Sunningdale Parish Council	The Parish Council agree with this application in principle, however there are a few aspects of the application which require further information or analysis.	Section i
Sunninghill and Ascot Parish Council	Two main issues: Impact on the Green Belt and constraints on future growth of school <ul style="list-style-type: none"> <li>• With the level of development on site already</li> </ul>	Section i & viii

	<p>proposed development may not have adverse impact on Green Belt but special circumstances are required and have been provided</p> <ul style="list-style-type: none"> <li>• Other private schools in the area (also in the Green Belt) have had applications for swimming pools and other recreational facilities approved. Charters should be given the same considerations</li> <li>• The facility has the added bonus of being open to residents too</li> <li>• The south of the borough has been poorly served by recreational community facilities. Ascot, Sunninghill and Sunningdale deserve the same as Maidenhead and Windsor.</li> <li>• There is a need for the local population to keep healthy and active</li> </ul>	
Highways	No objection subject to condition	Section iv
Trees	Initial concerns raised in relation to impact on off-site and on-site trees. These objections have overcome by submission of amended plans and updated Arboricultural reports	Section v
Ecology	Initial objection raised relating to impact on Great Crested Newts and inadequate surveys now overcome through the submission of adequate and updated survey. No objection subject to condition.	See section vi.
Environmental Protection	No objection	Noted
Thames Valley Police	None received at time of drafting report	Noted
Education Officer	No objection – further clarification required as to how the facility will be shared between the school and the public	Noted

## Others

Group	Comment	Where in the report this is considered
SPAE	<p><u>Supportive in principle.</u> Could deliver benefits for Charters School and the Local Community.  <u>However the facility is located in the wrong location giving rise to traffic impacts and impact on the Green Belt.</u></p> <ul style="list-style-type: none"> <li>(i) The community engagement received feedback from only 127 people. 13% raised traffic and parking concerns.</li> <li>(ii) High level of congestion on Charters Road/Devenish Road at the start and the end of the school day.</li> <li>(iii) Charters Road used as a rat run and fast moving traffic</li> <li>(iv) Currently no dedicated cycle routes</li> <li>(v) Footpath on only one side of the road</li> <li>(vi) Bus services infrequent/Train station some distance away. Accessibility poor</li> <li>(vii) Only limited cycle parking has been provided</li> <li>(viii) Current on-site parking does not meet current demand</li> <li>(ix) On street parking in surrounding residential roads high</li> <li>(x) Travel plan has had to rely on generic data</li> <li>(xi) Transport statement focusses only on additional traffic not taking into account existing issues</li> </ul>	See main report



	<p>(xii) Whilst there are 101 new parking spaces only 64 are dedicated for leisure centre users</p> <p>(xiii) Shared parking could be an issue unless properly managed</p> <p>(xiv) Stronger wording needed in the parking management strategy</p> <p>(xv) New parking on north side of Charters Road would impact the Green Belt</p> <p>The proposal would result in the loss of 44 trees including 19 category B trees.</p>	
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## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

i Principle of Development

Whether the development is inappropriate development in the Green Belt and whether there is any other harm to the Green Belt

Need for Leisure Facilities

Need for facility for Charters School

Whether there is a loss of open space

ii Impact on the Character of the Area

iii Impact on Residential Amenity

iv Parking/Highways considerations

v Trees

vi Ecology

vii Flooding/drainage

viii Case for Very Special Circumstance (VSC) including alternatives considered

### i. Principle of development

Green Belt - Is the proposal inappropriate development

9.2 Paragraph 143 of the NPPF explains that inappropriate development in the Green Belt is harmful and that it should only be approved in Very Special Circumstances. Paragraph 144 continues by stating that when considering planning applications, substantial weight should be given to any harm to the Green Belt and that "Very Special Circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

9.3 The proposal is for a new leisure centre building within the Green Belt. Paragraph 145 of the NPPF outlines that the construction of new buildings should be regarded as inappropriate development apart from a few limited exceptions.

9.4 Adopted Local Plan policies GB1 and GB2, whilst dated, largely reflect the national Green Belt policy position by only allowing a few certain forms of development, other than in Very Special Circumstances. Policy SP5 of the Borough Local Plan submission version states that the Metropolitan Green Belt will continue to be protected, as designated on the Policies Map, against

inappropriate development and that permission will not be given for inappropriate development (as defined by the NPPF), unless very special circumstances are demonstrated.

- 9.5 Paragraph 145 of the NPPF allows for a few limited exceptions to the general presumption against development within the Green Belt. Exception (g) is for the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary building), which would not have a greater impact on the openness of the Green Belt than the existing development. Whilst the application site can be deemed to be previously developed land as it comprises tennis courts, hard-surfacing and a small bungalow, the redevelopment of the site with a sizable leisure complex (size detailed in paragraph 5.3-5.5 above) must be said to have a greater impact on the openness of the Green Belt than the existing development due to the introduction of a new large-scale built development on an area of land predominantly free from buildings. The proposal does not therefore comply with paragraph (g) or any of the other exceptions listed in paragraph 145 of the NPPF and therefore the development as a whole is inappropriate development in the Green Belt to which substantial weight is attached in accordance with paragraph 144 of the NPPF and adopted and emerging local policy.

#### Impact on openness

- 9.6 It is commonly accepted that two assessments need to be carried out when considering the impact on openness of the Green Belt; a) the spatial impact on openness and b) the visual impact on openness. The first assessment is perhaps more straightforward, particularly in this case when comparing a site which is largely open but hard-surfaced and contains only one bungalow to a development with a footprint of approx. 2,975m<sup>2</sup> and a height of approx. 11.8m-12.5m. It therefore has to be concluded that the proposed development has a greater spatial impact on the openness of the Green Belt than the current development. The visual impact on openness assessment goes beyond this spatial or volumetric assessment and is primarily concerned with how the proposed development would be viewed, i.e. it's positioning within the site in relation to other buildings and boundary treatment and whether any long-distance views will be affected. In this case it is noted that the proposed building would be sited immediately adjacent to the existing cluster of school buildings and therefore it would be viewed alongside an already built up site and as such, the visual impact may not be as great as if the proposed building were sited within a completely open piece of land. Having said this, the proposed leisure centre would be taller than the other buildings it would be viewed alongside, sited closer to the road and to the more open part of the site to the east (the playing fields) and therefore by virtue of its positioning and relationship with surrounding development and landscape it would appear visually prominent. As such, it is concluded that the proposed development would significantly harm the openness of the Green Belt both in spatial and visual terms.
- 9.7 Paragraph 134 of the NPPF states that the Green Belt serves five purposes. It is considered that the proposed development would conflict with the second purpose of the Green Belt which is to prevent neighbouring towns from merging into one another. The extension to the existing parking area on the north side of Charters Road would be located within a 'gap between villages' as defined by policy NP/EN1 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan. These gaps are identified as being important to protecting the semi-rural, non-urban character of the area. The additional hard-surfacing within this area to facilitate increased parking and vehicular movements would reduce the openness of this part of the site and therefore result in a loss of openness between the two villages of Sunninghill and Sunningdale. Additionally, the proposal would also conflict with the third of these five purposes, which is to assist in safeguarding the countryside from encroachment as the development would be sited on a predominantly open piece of land increasing the sprawl of the school buildings into the open countryside.
- 9.8 In summary the proposals are contrary to paragraphs 145 and 146 of the NPPF, Local Plan policies GB1 and GB2(a) and Policy SP5 of the Borough Local Plan submission version because the proposal would result in harm by virtue of inappropriateness, harm to openness and conflict with two of the five purposes of the Green Belt. **This collective harm to the Green Belt is afforded substantial weight in accordance with paragraph 144 of the NPPF.** It is therefore necessary for the Local Planning Authority to consider whether Very Special Circumstances

(VSC) exist that would clearly outweigh the harm to the Green Belt and any other harm resulting from the proposal. This case is considered in detail towards the end of the report (Section viii).

### Leisure Facilities

- 9.9 Policy R8 of the adopted Local Plan states that the Borough Council will permit development for public or private recreation use except where such development would result in significant environmental or highway problems or where it would conflict with any other policies of the plan. In this case there is a clear conflict with Green Belt policy and therefore the proposal is not supported by adopted policy R8. However R8 is given limited weight due to its age and inconsistency with the NPPF.
- 9.10 Turning to the Borough Local Plan Submission Version policy IF6 specifically recognises the need for new sports and leisure development at Braywick Park to replace the Magnet Leisure Centre. (Indeed planning permission has been granted for such a facility even though the BLP only carried limited weight at the time of determination due to the Very Special Circumstances surrounding that particular case). Policy IF7 of the BLP states that new community facilities should be provided in accessible locations and that proposals should demonstrate that there is a specific need for the facility in the local area.
- 9.11 Section 8 of the NPPF establishes the importance of promoting healthy communities through the planning process. It recognises that the planning system plays an integral role in facilitating social interaction and delivering robust, healthy and inclusive communities. Relevant to this application are those elements of section 8 that talk of the delivery of social, recreational and cultural facilities and services the community needs. To do this the NPPF explains that planning policies and decisions should (inter alia): *“Plan positively for the provision and use of shared space, community buildings (including meeting places, sports venues and cultural buildings) and other local services to enhance the sustainability of communities and residential environments”*
- 9.12 Furthermore, paragraph 96 of the NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantities or qualities deficits or surpluses) and opportunities for new provision.
- 9.13 As such, emerging policy IF7 would appear to be largely consistent with the NPPF in that they both imply that a need for new leisure facilities must be established. Whilst the proposal would result in a facility which would promote the health and well-being of the local community, no established need has been recognised for such a facility in the south of the Borough through either the adopted Local Plan or the Emerging Borough Local Plan. If there had been evidence for an identified need, such a sports facility would have been planned for within the emerging Borough Local Plan which due to its date is based on up-to-date evidence. At this point it should be reiterated that the English Planning system operates a plan led system and that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Whilst this matter will be explored further as part of the VSC assessment where consideration of other supporting evidence such as the Indoor Sports Facilities Strategy 2016-2021 and Infrastructure Delivery Plan 2018 will be made, at this stage in the assessment it can be concluded that there is no policy support for the proposed leisure facility.

### Need for facility for Charters School for educational purposes

- 9.14 Paragraph 94 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities and that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Furthermore, it states that LPAs should give great weight to the need to create, expand or alter schools.
- 9.15 In this case, the proposed development is said to be a dual use facility both for use by the school and the local community. The Planning Statement sets out that the facility will bring about vast

educational benefits to school, both through the updating and expansion of the sports facilities which would aid in delivering the PE curriculum and providing extra curriculum opportunities for students, but also the additional sports hall space is needed to free up the school hall for examinations and large assemblies. It is advised that this is vital given the shift from coursework to exam based assessments for pupils. The Council's education officer has not objected to the proposal, nor has she advised that there is an underlying need for the facility either in terms of delivering the PE curriculum or in order to overcome accommodation pressures. Furthermore the need for these additional facilities is not required or referred to in any of the school's Ofsted Inspection reports as being need to meet a statutory requirement. As such, given there is no recognised need for the facility for educational purposes the 'great' weight referred to by paragraph 94 of the NPPF should be reduced accordingly to only **limited weight**.

#### Loss of open space

- 9.16 The siting of the new leisure centre and associated car parking would result in the loss of existing tennis courts and a small area of playing field, as such the proposal can be said to result in the loss of open space. Policy R1 of the adopted local plan refers to the protection of urban open spaces and therefore has little relevance to the proposal which would result in loss of open space in the Green Belt.
- 9.17 Policy IF4 of the emerging Borough Local Plan states that existing open space in the Borough will be protected maintained and where possible enhanced to make open space more usable attractive an accessible. The emerging policy is considered to carry significant weight at the current time.
- 9.18 The NPPF defines open space as '*All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.*' Paragraph 97 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built upon unless, a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirement; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current use.
- 9.19 In this case the proposed leisure centre building would result in the loss of the existing tennis courts, and the extension to the parking area to the north of Charters Road would encroach onto the school's existing playing fields. These areas of open space are used predominantly by the school however there is public access to the tennis courts in the evening. However, it is important to note that there is no objection from Sports England on grounds of loss of playing pitches in light of the facilities which are being provided. It is considered that the loss of open space can be justified in this case on the grounds of part c of para 97 of the NPPF considering the alternative provision which is being proposed. Whilst there is no policy conflict in this regard, neither is there an added benefit to the scheme which can be afforded any weight in favour of the proposal.

#### *Principle of development conclusion*

- 9.20 As such, to conclude this section of the report there is a fundamental objection to the application on Green Belt grounds. There is no established need for the facility to serve the local community set out in the adopted local plan or emerging borough local plan. The loss of the open space is accepted as the benefits of the proposed sports and recreational provision outweigh the loss of the tennis courts and small areas of playing field. The proposal may bring about educational benefits through the upgrading of existing sports facilities and creation of additional exam space for educational purposes however it has not been established that there is an underlying educational need for the facility. The proposal on the whole is therefore not supported in principle and its acceptability will therefore very much depend on the benefits put forward in support of the application and whether these individually or cumulatively would clearly outweigh the aforementioned harm and constitute Very Special Circumstances and whether there are any other material considerations which can be afforded due weight in the overall planning balance.

## ii. Impact on Character

- 9.21 Policy DG1 of the Local Plan requires that new developments should promote high quality standards of design, be compatible with the established street scene and use appropriate materials. Furthermore, Neighbourhood Plan policy NP/DG3 (Good Quality Design) states that all new development should demonstrate good quality design and respect the character and appearance of the surrounding area. Development that fails to take the opportunities available for enhancing the local character and quality of the area and the way it functions shall not be permitted. A central part of achieving good design is responding to and integrating with local surroundings and landscape context as well as the built environment. Both these policies are considered to be broadly consistent with those relevant parts of section 12 of the NPPF (Achieving well-designed places). Importantly paragraph 127c of the NPPF emphasises that developments should be sympathetic to local character and history including the surrounding built environment and landscape setting.
- 9.22 The site consists of a range of single and two storey buildings of red brick and white/yellow render, the most recent addition is the two storey teaching block (ref: 17/01222), which is the tallest of all the buildings on site. The majority of buildings are of traditional design and are set back from the road. The site frontage contains mature vegetation which largely screens the built development from the road as you approach the site from the east. Immediately to the front of the main entrance, screening is less and the site becomes more open but the building do not appear prominent due to their set back and low height. Mature screening also exists on the north side of the road. The character of the street scene is therefore semi-rural in nature with the built form not appearing dominant to the surroundings.
- 9.23 The proposed leisure building would be comprised of two main sections designed in a staggered layout, fronting Charters Road. The set back of the two main parts of the building would be 22m and 30m. The western most section of the building (comprising the swimming pool with dance studios and fitness suites above) would be the lower of the two buildings (approx. 11.8m in height), the eastern most section of the building (comprising the sports hall) would be slightly taller at 12.5m in height. The proposed building would be angular in nature with a flat roof. The scale of the proposed building is large compared to the existing buildings on site, indeed it would have the largest footprint and height compared to all existing buildings. Furthermore, the building would be sited further forward than the nearest building to the west, the dining hall block, and as such the proposed development would be highly visible when approaching the site from the west. Regarding the external appearance the proposed swimming pool building is to be clad in brickwork and the sports hall building would be clad in a lightweight metal cladding and render. The blocks would be adjoined together by a glazed link section comprising the reception area.
- 9.24 Given the height and external appearance of the building, it would appear to dominate the site because it would be viewed against the backdrop of the existing school buildings, which are more subservient in terms of their scale and height. Whilst the site is well screened from Charters Road, it is noted that there are gaps in the screening particularly in the vicinity of the proposed development, such that the proposal would be highly visible from the street scene. Changes to the access and parking arrangements on this side of the road would also result in some additional tree removal resulting in the building becoming more visible.
- 9.25 Whilst the proposed building appears to be of a high quality, innovative design and of a scale that is fit for purpose, due to its siting, mass and height, it would be a prominent feature in the vicinity which would appear at odds with the more traditional and subservient scaled buildings at the school site which it would sit alongside and to the existing semi-rural and leafy character of the street scene.
- 9.26 Looking at the wider area, beyond Charters Road, development is primarily residential and of 2 storey's in height and the character of the area remains sylvan in nature. Comparatively, the proposed development which a height range of 11.8 – 12.5m is more akin to a four storey development, unlike any surrounding development. As such, it is considered that the proposed building would be harmful to the character of the area.

- 9.27 Furthermore it should be noted that the extension to the existing parking area on the north side of Charters Road would be located within a 'gap between villages' as defined by policy NP/EN1 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan. These gaps are identified as being important to protecting the semi-rural, non-urban character of the area. The additional hard-surfacing within this area to facilitate increased parking and vehicular movements would reduce the openness of this part of the site. Whilst this has been identified in relation to Green Belt harm, this additional works and activity would also be harmful to the open character of the area.
- 9.28 To conclude this section of the report, it is considered that the proposed scale and external appearance of the building would not relate well to the more subservient school buildings which it would sit alongside and to the scale of buildings within the wider area and therefore it would appear as a prominent and incongruous feature within the street scene of Charters Road and the landscape in general, to the detriment of the sylvan character of the area. This harm is afforded **significant weight**.

### iii. Impact on Residential Amenity

- 9.29 The proposed development is sited centrally within the site and is a significant distance from neighbouring residential properties to the west and south. Also taking into account the intervening tree screening along the site boundaries, the proposals would not result in loss of light or privacy for the occupiers of neighbouring residential properties, or appear over-bearing to the same.
- 9.30 The main impact of the proposal would be the noise and general disturbance from the planned increase in activity within the site, however given the distance from neighbouring properties and the proposed hours of use (which could be controlled by condition in the event of planning permission being granted) it is not considered that it would result in any undue harm to neighbouring occupiers. Impact for vehicular traffic on the highway network is discussed in the following section of the report.

### iv. Parking/Highways considerations

#### Accessibility of location

- 9.31 The area has very limited public transport links. The nearest rail station is Sunningdale which is located approximately 1.3km east of the site. Bus routes 24, 24L and 500 provide a service for Charters School (services before and after the school day) and Route 1 provides hourly services to Ascot and Windsor during the week but only a total of 7 services on a Saturday. There are no services on a Sunday. It should be noted the bus stop is over 800m from the site and given the level of service provided, the bus is unlikely to be used by patrons of the leisure centre. Therefore, the site is deemed to be in a poor accessible area and due to the location of the site and the lack of public transport services, a high vehicle trip generation is envisaged.
- 9.32 The proposal comprises a town centre use within a semi-rural location which suffers from poor accessibility and would therefore increase reliance on the private motor car. The location of the proposed leisure centre in this location would go against the aims of paragraph 103 of the National Planning Policy Framework which advises that significant development should be focussed on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. As such, notwithstanding the comments below on highway safety, the Planning Authority has a fundamental concern with the proposed location of the facility. This harm is afforded **significant weight**.

#### Highways Assessment

- 9.33 From a highway safety point of view, the NPPF advises at paragraph 109 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Additionally, all developments that would generate significant amounts of movements should be required to provide a travel plan and the application should be supported by a transport assessment to assess the likely impacts. Both documents have been submitted in support of the application along with a Car Park Management Plan and a Delivery and Servicing Plan. These technical reports have been analysed by the Highways Officer.

### *Access Arrangement*

- 9.34 Charters Road is a local access road which connects the site to the wider highway network to the north-west via the A330 Devenish Road and to the south via the A30 London Road. The section of Charters Road in the vicinity of the school is subject to a local 30mph speed restriction and is lit. It has a carriageway width of 5.0m with a 1.2m wide footway nearside and 2.0m verge opposite.
- 9.35 Charters School has vehicle accesses on Charters Road and Devenish Road. On Charters Road, there are two separated vehicle accesses: a one-way inbound / outbound access used as a pupil drop-off loop and a one-way inbound / outbound access for the staff and visitor car park. This drop-off loop also accommodates the school buses. Two access points are located on Devenish Road. The northernmost point provides access to a staff car park and the southernmost to the sixth form / Leisure Centre car park.
- 9.36 Pedestrian access is provided via footways at all accesses except for the access to the staff car park at Devenish Road. Footways are present on Charters and Devenish Road. From the information provided the existing vehicular and pedestrian accesses will be retained. The proposals will not affect the existing access arrangements, crossing facilities or visibility splays therefore this is acceptable in highway terms.

### *Parking Provision/requirement*

- 9.37 Parking restrictions in the form of double yellow lines operate within the area to prevent indiscriminate parking. 'School Keep Clear' markings extend across the vehicular accesses to the school on Charters Road. Two marked parking areas are located between the 'School Keep Clear' marking in front of the school on the southern side of the road. The two areas can provide parking for seven vehicles and allow parking for two hours on weekdays between 08:00 – 16:00 with no return within two hours.
- 9.38 Charters School is a secondary school with a sixth form which has 1654 pupils and 238 members of full/part time staff. The information provided suggests the number of pupils is to increase to 1,825 by 2021. The current leisure centre is used by the school throughout the day until 16:30, at which time it becomes available to the public. The site currently has 3 parking areas accommodating 201 spaces and a drop off facility for parents accommodating 10 vehicles with a separate running lane.
- 9.39 The proposed leisure centre will provide and generate a parking demand for;
- 1 8 court Sports hall 1,456m<sup>2</sup> – 49 spaces (1 per 30sqm)
  - 2 25m Community swimming pool 560m<sup>2</sup> – 17 spaces (1 per 30sqm)
  - 3 Gym 266m<sup>2</sup> – 9 spaces (1 per 30sqm)
  - 4 Dance studio 144m<sup>2</sup> – 5 spaces (1 per 30sqm)
  - 5 Spinning 41m<sup>2</sup> – 2 spaces (1 per 30sqm)
  - 6 Social and public 220m<sup>2</sup> – 8 spaces (1 per 30sqm)
- 9.40 To comply with the Local Authorities current Parking Strategy the new leisure centre generates a demand for an additional 90 car parking spaces.
- 9.41 The site will provide 5 parking areas and will accommodate an additional 90 parking spaces including 6 disabled bays and 6 electric charging bays immediately to the front of the leisure centre building. This additional level of parking is accepted.

	Existing Parking	Proposed Parking	Net
Area 1 school only	49	20	-29
Area 2 Drop off / pick up	10	12	+2
Area 3 Leisure centre / school	63	133	+70
Area 4 school only	87	112	+25

Area 5 Leisure centre	0	22	+22
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- 9.42 Additional information submitted by the applicant identifies that visiting mini-buses will be accommodated within the site's parking provision and that on-site parking will be managed to ensure school visitors do not park in leisure centre bays and vice versa. This is explained in the Car Park Management Plan which could be conditioned in the event of planning permission being granted.

#### Traffic Generation

- 9.43 Due to the location of the site and the lack of public transport services, a high vehicle trip generation is envisaged. However, the surrounding area benefits from footways along both sides and uncontrolled crossing points.
- 9.44 It is a material consideration that Charters School currently has a leisure centre which is open to the public from 4:30pm to 11pm during the week and from 9am to 6pm during weekends (this existing dual use facility includes a 50-station gym, a 4-court sports hall and all-weather pitch).
- 9.45 The trip generation exercise for the proposed development suggests that 53 two-way vehicle trips would occur in the morning peak period (10:00 – 11:00) and 107 two-way vehicle trips during the evening peak period (18:00 – 19:00). Traffic generated by the local community using the new leisure centre is considered to occur outside peak traffic hours and will not conflict with the school peaks (8:00 – 9:00 and 15:00 – 16:00). It is also considered that these additional daily vehicle movements can be accommodated on the local highway network.
- 9.46 Results of speed surveys and traffic counts taken over a 5-day period have been analysed and from the data, the leisure centre peak flows are very low compared to the school peaks. With the inclusion of the predicted traffic flows for the leisure centre, the worst-case figures are not considered to have a severe effect on the local highway network to warrant a refusal. In summary the traffic generated by the local community using the new replacement leisure centre will occur outside peak periods and will not conflict with the school peaks. As such, there is no objection on grounds of highway safety as a result of increased traffic generation. (The data shows the majority of vehicle speeds are above 30mph. This however is a police matter and should not be a reason to refuse the application.)
- 9.47 The Highways Authority has advised that the proposed cycle parking provision in the form of 11 Sheffield stands providing 22 cycle parking spaces will be provided within the proposed car park (Area 5) is acceptable.
- 9.48 In terms of refuse provision, deliveries to the leisure centre are proposed to occur within the car park located adjacent to the new leisure centre building. The swept path analysis drawings confirm all vehicles will access from the eastern entrance off Charters Road in a forward gear. The delivery vehicles would then reverse into the dedicated bay located to the western boundary of the leisure centre building. The details submitted state all deliveries will be planned to ensure they are carried out, outside of the school peak hours and are met by a member of staff who will assist the delivery driver with manoeuvring.
- 9.49 To summarise, the proposed level of parking is sufficient for the proposed development, the proposed traffic generation is not considered to have a severe impact on the local highway network and the access arrangements are in accordance with regulations.

#### Travel Plan Assessment

- 9.50 A draft travel plan has been submitted in support of the application which aims to promote the use of sustainable transport modes. The travel plan is considered to satisfy the council's requirements regarding parking provision, drop-off/pick-up arrangements, level of cycle parking, assessment of walking, cycling and public transports routes to the site, travel by staff, leisure centre users and visitors (including deliveries), proposed travel plan measures and monitoring and maintenance. Whilst there are no objections to the aims of the Travel Plan to attempt to encourage other modes of transport this is not considered by the Planning Authority to be likely to



fully mitigate the significant harm caused by virtue of the unsustainable location and subsequent likely dependency on private motor vehicles.

#### **v. Trees**

- 9.51 The area around Charters school is characterised as ‘Settled woodland sands’ and is typified by a strong framework of mature mixed woodland, some of ancient origin, which merge into the urban structure resulting in the absence of clear ‘town and county’ boundaries.
- 9.52 The Tree Officer has analysed each area of development as shown in the Arboricultural Impact Assessment and provided specific comments in relations to each part of the development with regard to potential impact on trees. Following initial concerns raised by the Tree Officer, amended plans have been submitted.

##### *Car park and access off Devenish Road*

- 9.53 The tree officer initially raised concerns regarding the works to entrance way off Devenish Road which would have resulted in the loss of at least ten trees within the site and incursion into the RPA’s of the majority of the remaining trees. Amended plans have been received showing that works to this entrance way would now occur away from these trees thus alleviating these concerns. Furthermore, the parking arrangement in this location has been amended reducing the impact on T31 and T32.

##### *Siting of the leisure centre building*

- 9.54 Amended plans also show the omission of parking spaces close to T44, a mature oak tree which provides good screening of the location of the proposed development. The tree officer has advised that to ensure sufficient soft ground within the root protection area of this tree, a further two parking spaces should be re-located. It is considered that a revised parking layout could be requested to resolve this issue in the event that planning permission were to be granted.

##### *Extension to car park – north of Charters Road*

- 9.55 With regard to Area C (the car park on the north side of Charters Road) the extension of the car parking would result in the loss of up to 5 relatively newly planted trees, however these are poor quality and have been poorly maintained, and as such replacement planting between the car park and the playing field should provide mitigation. The proposed extension on the eastern aspect of the field car park will result in adverse pruning of several Willow trees, these are lesser quality trees but they provide a good screen from the traffic on Charters road. The car park extensions should be constructed using a cellular confinement system (CCS) to ensure that soft ground under the CCS remains relatively intact.
- 9.56 To summarise, the amended proposals would now not materially harm any important trees within the site and therefore the Tree Officer has removed his objection to the application subject to conditions. Updates are needed to the Tree Protection Plan and SuDs plan but it is considered that these could be dealt with by condition if the application were to be approved.

#### **vi. Ecology**

- 9.57 The application has been accompanied by a Preliminary Ecological Appraisal undertaken in November 201 and updated in June 2019 upon request by the Council’s Ecologist. In addition, a great crested newt (GCN) eDNA survey of the pond on site was undertaken in order to establish the presence/ likely absence of GCN from the pond.

##### Great-crested newts

- 9.58 The result of the GCN survey was negative indicating the likely absence of GCN from the on-site pond. The four off-site ponds could not be surveyed as they were located on private land and access was not possible. Three of the ponds were found to be separated from the site by a busy road and unsuitable terrestrial habitat, which were both considered to be significant barriers to

dispersal. One pond did not have significant barriers to the site and could potentially support GCN. However, the applicant's ecologist has stated that the majority of site is dominated by habitats which are not considered suitable for GCN. The only habitats which would provide suitable terrestrial habitat for GCN would be the tree lines and hedgerows, which are to be retained and protected during development.

- 9.59 Whilst the off-site ponds could not be surveyed, it is considered that even if they were to contain breeding GCNs, the nature and scale of the proposals mean it would not result in an offence according to the Natural England Licence Risk Assessment, which was applied and concluded that an offence is highly unlikely given the size and distance of the development from these ponds. However, as a precautionary approach, it is recommended that Reasonable Avoidance Measures (RAMS) be employed during works on site in order to avoid any adverse impacts on GCN and other amphibians should they be there. This includes the sensitive clearance of the pond, storing of any materials on hard standing area and closing trenches and holes overnight. If planning permission were to be granted for the proposal, the provision and implementation of appropriate RAM's would need to be secured by condition.

#### Other species

- 9.60 The bungalow, wooden shed and trees on site were recorded as having negligible potential to support roosting bats and it was concluded that the site offered little commuting and foraging habitat for bats. No evidence of badgers or setts were recorded on site and it was considered highly unlikely that reptiles, dormice, otters or water voles would be present on site given the habitat types recorded.
- 9.61 Although there were no badger setts or signs of badgers on site, it is possible that they could travel across the site from the surrounding area. The applicant's ecologist has provided recommendations within the ecology report to safeguard badgers during and after development. These include ensuring pipework and excavations will be covered at night and timing of the construction to avoid hours between dusk and dawn. In addition, appropriate planting to provide additional food resources for badgers could be incorporated into the landscaping plans. If planning permission were to be granted, the recommendations with regards to safeguarding badgers within the ecology report could be subject to condition.
- 9.62 The site may be used by nesting birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended. Works to the building roofs should be undertaken outside of the bird nesting season or, if that is not practical, areas to be cleared should be checked immediately prior to clearance by a suitability qualified ecologist. This could be referred to via an informative in the event that planning permission is granted.

#### Designated Sites

- 9.63 The site is within 5km of the Thames Basin Heaths Special Protection Area (SPA) and other statutory and non-statutory designated sites. However, given the proposals are for a new leisure centre and not residential, and given the scale of the proposals and distance from the site, the applicants ecologists considered that there will be no significant impacts on these designated sites as a result of development.

#### Biodiversity Enhancements

- 9.64 In order to compensate for the loss of habitats within the site and provide a net gain in biodiversity, in line with the above policies, the applicant's ecologist has recommended a number of biodiversity enhancements that should be included within the development proposal. These include new native tree and shrub planting, creation of a new wildlife friendly pond, installation of a green roof, installation of bird boxes on to retained mature trees and incorporation of a wildlife sensitive lighting scheme. The provision and implementation of an appropriate biodiversity enhancement scheme could be secured by a planning condition in the event that planning permission is granted.

### **vii. Flooding/drainage**

9.65 The site lies within Flood Zone 1 and therefore is not at risk of fluvial flooding. However, the Lead Local Flood Authority have been consulted on the application given it is a major development and they have commented on the supporting information in the form of a drainage philosophy statement and a schematic drainage strategy. The Lead Local Flood Authority has objected to the application on grounds that various parts of the drainage strategy fall foul of the requirements. These matters cannot be dealt with via condition. Given that there is no in principle objection to the proposed drainage strategy, this harm is afforded **limited** weight.

#### **viii. Very Special Circumstances**

##### Harm to the Green Belt and any other harm

9.66 The harm to the Green Belt as a result of inappropriateness combined with the significant harm to spatial and visual openness and harm to purposes must be afforded **substantial** weight in accordance with paragraph 144 of the NPPF. Also on this side of the balance is the harm to the character of the area, given **significant** weight; and the location of a main Town Centre use in an unsustainable and inaccessible location, also of **significant** weight, and the harm to flood risk/drainage which is afforded **limited** weight.

9.67 On the other side of the balance, the applicant has highlighted several considerations within the Planning Statement that need to be assessed to determine whether Very Special Circumstances exist to outweigh the harm identified above.

##### Educational benefits and need

9.68 The case of Very Special Circumstances sets out that Charters School is the largest secondary school in the Borough and it is said to be under increased pressure to expand to allow space for admission of pupils. The applicant states that the proposed development is considered to bring about many educational benefits as set out in pages 8-10 of the planning statement and summarised as follows:

- a. Under the proposal, the existing Sports Hall would be released back to the school for use as an examination hall, which is essential given the removal of coursework elements and would allow year groups to sit examinations together in compliance with legal student separation requirements.
- b. The proposal will allow for students to engage in physical activity and the proposed development would allow the school to provide a greater range of curricular and extra-curricular sporting activities.
- c. The school have a number of national swimming finalists who would be able to train at the proposed pool
- d. The proposal would enable the school to act as a community hub, providing more opportunities for student employment, work experience, coaching qualifications, apprenticeships, student coaching and leadership opportunities etc.

##### *Student Need and Accommodation pressures:*

9.69 The Case for Very Special Circumstances also sets out the various needs for students in terms of accommodation in addition to the aforementioned educational benefits. These are summarised as follows:

- e. The facility would help accommodate all of the students at Charters School in one place/room allowing whole school and year group assemblies.
- f. The number of students accessing PE and sports related facilities has increased at both 14-16 and post 16 however the existing school does not cater for all aspects of the sports and leisure related courses including additional changing facilities.
- g. Charters School is beyond reasonable capacity to deliver the courses expected as a high performing school with the reputation as an excellent Academy.
- h. The existing leisure centre cannot contribute appropriately to the sports related courses Charters offer to students in the 14-19 ages range

- i. There is a need to facilitate sporting opportunities to students with physical or mental learning difficulties

9.70 No objection has been received from the Council's Education Officer however the amount of time that the facilities are available to the school has been queried, and clarification is required as to how the facilities will be shared. On the whole the Planning Authority considers that it hasn't been demonstrated that there is an underlying need for additional sports hall space to alleviate accommodation pressures and to aid in the teaching of the PE curriculum. There would clearly be educational benefits arising from the provision of such a facility within the school grounds particularly for those pupils studying PE at a higher level and for those students taking part in extra-curriculum sporting activities. However, there is no established educational need for a swimming pool or indeed for 3,840m<sup>2</sup> of additional leisure facilities and furthermore, the additional educational benefits would only stretch as far as those pupils within the local area and is thus limited. Furthermore the need for these additional facilities is not required or referred to in any of the school's Ofsted Inspection reports nor are they a statutory requirement. As such only **limited** weight is given to the educational benefits/needs argument.

#### Need for a leisure centre

##### *Need for a swimming pool*

9.71 The Needs Analysis has identified that there is an undersupply of 61m<sup>2</sup> of water space in the borough which will be met when the new Braywick Park Leisure centre is completed and operational. This development has planning permission and is currently under construction. Once complete there will be no water space deficit within the Borough.

9.72 There is an argument that the two main public swimming pools within the Borough are within the north and therefore inaccessible for residents within the south of the Borough. The Needs Analysis sets out that public transport to these existing facilities from the south of the Borough is inadequate (indeed objections from residents have voiced the same concern). Sports England sets out that a maximum drive time of 20 mins to a leisure centre is acceptable for residents. It should be noted that it is only the very southern parts of the borough (parts of Sunningdale) where the drive time to Windsor Leisure Centre would be in excess of 20 minutes. Having said this, Bracknell Leisure Centre and Coral Reef, although outside of the Borough, would be less than a 20 minute drive for these residents in any case. As such, the existing public swimming pool provision within and outside the Borough would cater for the vast majority of residents in terms of meeting the 20 minute maximum drive time.

9.73 Additionally, there are other swimming pools within the south of the Borough such as The Marist, St Mary's School and St George's School in Ascot which are available for public use albeit on a more limited basis because they are school sites. The Planning Statement sets out that these school pools do not address the public need for swimming due to their limited size and/or availability, however considered in conjunction with other leisure centres within the Borough including the two main ones, Windsor Swimming pool and the Magnet (soon to be Braywick Park) and other leisure centres outside of the borough cumulatively they provide sufficient pool capacity to serve the residents of the Borough.

9.74 As such, whilst the proposed swimming pool is supported by Sports England and Swim England because of the added benefit it would bring to the local community, it cannot be said to meet an established need for a further swimming pool space within the Borough. Indeed it is noted within the Needs Assessment that Swim England stated that a 6 lane pool is *more than sufficient*.

##### *Sports Hall*

9.75 There are currently 15 sites within the Borough that offer sports hall provision, the largest three being at the Magnet leisure centre, Windsor Leisure Centre and Thames Valley Athletics club all of which are public and therefore their availability is not limited. There is also significant provision within close proximity outside the Borough (for example Bracknell Leisure Centre). Other sports halls are within educational establishments and therefore their availability is limited. However that would be the same as the proposed facility at Charters which is to be used by the school only

during the day and available to the public outside school hours. As such the argument that a potential need for full time sports hall provision within the south of the Borough would be met by the proposal is misleading.

- 9.76 Again the Needs Assessment identifies that the majority of sports hall provision is within the north of the Borough, in and around the town of Windsor and Maidenhead and that the addition of a sports hall would benefit those residents within the south of the Borough. It also sets out that there are several sporting clubs that would benefit from the additional sports hall facilities for their training needs.
- 9.77 An assessment undertaken as part of the Indoor Sport and Leisure Facility strategy actually states that there is a slight surplus in provision of sports hall space and that the existing supply does have capacity to meet demand (paragraph 3.11.4 of the RBWM Infrastructure Delivery Plan).

#### *Fitness Suites*

- 9.78 There are currently 8 health and fitness suites within the Borough with 20 or more stations that are available for community use and located within different areas of the Borough. A Latent Demand Report commissioned identified approx 28,000 adults aged 15+ within a 3 mile radius of the proposed facility which would support a gym of 96 stations. The report demonstrates that the facility would serve an affluent area and that there is no comparable facility within a 3-mile radius. Again this does not necessarily demonstrate that there is an underlying need for additional fitness suites within this location of the Borough.

#### Conclusion on need for facility

- 9.79 The Planning Statement argues that providing new and improved leisure facilities has been a strategic objective of the Council for many years and that extending the facilities at Charters School to provide a dual use facility has been identified in the Council's Indoor Sport and Leisure Facility Strategy 2016 – 2021. This evidence base document recommends to assess the feasibility and appropriateness of the on site development of a 6 court sports hall, a swimming pool and ancillary changing accommodation at Charters Leisure Centre because it is the only facility serving the south of the Borough and to meet education and community needs. It is important to note that the wording of this report says *if appropriate*. As stated within this panel report, that the development is not appropriate due to its location within the Green Belt and as such only limited weight can be given to comments within the Indoor Sport and Leisure Facility Strategy 2016 – 2021. Furthermore, a more updated document, the Infrastructure Delivery Plan (updated 2018) does not include any provision for a new leisure facility within the south of the Borough, stating that the infrastructure requirements are being met through the approved new facility at Braywick Park and intended upgrading of Windsor Leisure Centre, Furze Platt Leisure Centre and Cox Green Leisure Centre.
- 9.80 It should be noted that the statistics show that 45% of the Borough participate in sport compared to 38% nationally and as such it could be argued that residents within the Borough have sufficient leisure facilities on hand in order to participate in sports at a greater level than the national average.
- 9.81 Whilst the proposed facility is supported by Sports England, they do not categorically state that there is an underlying need for the facility. Furthermore, whilst the Borough Local Plan is not accorded full weight at this stage, it provides guidance from Sports England relating to the standards of provision for sports and leisure facilities. The emerging Borough Local Plan does not plan for an additional leisure facility within the south of the Borough.
- 9.82 It remains the case that the proposed development of a new leisure facility at this location is not supported by adopted or emerging policy. Furthermore, as can be seen from above neither is it made clear in supporting evidence based documents that there is a need for it in the foreseeable future. The Planning Statement and Needs Analysis Report sets out that there is a demand for a swimming pool, sports hall and fitness suites within the south of the Borough, however when consideration is given to the existing facilities within the borough as a whole (and those in close

proximity just outside the borough), it is clear that this demand does not stretch to an underlying planning need. This argument is further supported by the fact that the proposed facility would only serve a population of 18,000 (only 12% of the Borough). Given the findings above the need for the facility is only given **limited** weight.

#### Community Benefits and Need

- 9.83 The community benefits are summarised broadly within the Planning Statement pages 11-12 and in more detail within the supporting Needs Analysis Report. The key points are summarised below:
- j. There is no leisure facility within the area (the southern part of the Borough) to cater for the local community meaning that local residents have to travel a significant distance or not attend.
  - k. The proposed facility seeks to serve three wards and a population of 18,274 against a Borough wide population of 150,140 (based on 2017 population projections). There is an imbalance of opportunities between residents in the north and south of the Borough which the proposal seeks to address.
  - l. The building can be used for other types of community uses and given its size could host larger events to serve the wider community.
  - m. Planning permission was granted for a dual use school and community facility at the Marist School on VSC which has only limited community benefits compared to the current proposal.
  - n. When not in use by the school the facility will be open to the community during the day as well as at evenings. The existing leisure centre is at full capacity. As well as use by the general public the facility can be used by other groups within the local community including other schools and sports clubs.

#### *Health and Well-being*

- 9.84 The case for Very Special Circumstances emphasises the great importance that is placed on the health and well-being of people. The NPPF recognises the role that planning plays in facilitating social interaction and creating healthy, inclusive communities (paragraph 91). It specifically states that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles especially where this would address identified local health and well-being needs, for example through the provision of sports facilities. The NPPF also, at paragraph 92, advocates positive decision making in planning for shared space and community facilities, including sports venues, in order to enhance the sustainability of communities and residential environments.
- 9.85 Whilst it is concluded by officers that there is not an underlying need for the sports facility in the Borough, it is still possible for it to bring about added benefits to the community in terms of health and well-being and social interaction. It is considered that because the facility would only serve 12% of the population of the Borough, the community benefits associated with the scheme cannot be afforded as much weight compared to a facility that were sited in a more accessible and densely populated area of the Borough such as Windsor or Maidenhead. As such the community benefits arising from the proposal are only held in **moderate** weight.

#### Sequential Test

- 9.86 The submission of the sequential test in support of the application was sought for two reasons; a) it was required to demonstrate that there are no other alternative suitable site outside the Green Belt or in less sensitively located areas of the Green Belt to locate the facility; and b) because the proposal is for a town centre use.
- 9.87 As way of a policy background, paragraph 86 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are

neither in an existing centre nor in accordance with an up-to-date plan (it should be noted that the proposed leisure centre constitutes a main town centre use as defined within Annex 2 of the NPPF). This advice necessitates Local Planning Authorities to require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are still not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. Furthermore, paragraph 89 of the NPPF states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities, should require an impact assessment if the development is over 2,500m<sup>2</sup> (where there is no locally set threshold). Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on a) existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal or b) town centre vitality and viability, it should be refused.

9.88 The applicants have submitted a sequential test (which includes an impact assessment). Whilst the development is for a dual use with the school thus requiring the leisure centre to be sited at Charters School, it is also to serve the local community (namely the settlements of Ascot and Sunningdale (including Sunninghill)). Therefore the geographical area of the sequential test includes the built up areas of Ascot and Sunningdale (broadly aligning with the neighbourhood plan area), but includes other potential sites which might fall outside this area but might be sequentially preferable. Generally, sequential testing for town centre uses should look at a catchment area around the existing town centre which in the case of the Borough would be Windsor or Maidenhead, however it is a specific requirement of the proposal that it is to serve the settlements of Ascot, Sunningdale and Sunninghill which are District Centres rather than towns and therefore the proposed area which has been tested is considered reasonable for this application. Having said that, it is considered that the centre of Ascot should be the starting point for the sequential testing given that it is the largest out of the three District centres. This methodology has not been adopted by the sequential test (it is stated that in this case the centres are too small to have any obvious distinction between town centre and edge of centre) and instead the sequence applied to the sequential testing is within settlement followed by outside settlement.

9.89 Sites of a minimum of 0.8ha in area (the size of the application site) have been identified following a review of the following to enable site selection:

- o. of all existing and proposed local planning allocations including those within the neighbourhood plan;
- p. all promotion sites included within the 2016 HELAA;
- q. on the ground investigation of the whole assessment area; and
- r. review of on-line land data bases.

9.90 A table of 9 available sites of greater than 0.8ha have been identified within Appendix 1 of the applicant's sequential Test, all of which are concluded to be both unachievable and unsuitable, many of the sites allocated for residential development. These listed sites have been cross referenced with those in the Council's HELAA (2018) and can be found listed within Appendix C (Employment, Retail and Other Use Sites) and Appendix D (Site Assessments Sunningdale and Sunninghill and Ascot). There is an expectation however that the applicant should go beyond those sites listed within the HELAA. The Sequential test report shows that one additional site was identified through site investigation. Regarding land search, the report states that on-line search options have been assessed and show no further sites beyond those already identified however there is no actual evidence of this. Furthermore, it is considered that the commentary relating to these 9 sites is insufficient in detail, indicating that these alternatives have not been properly explored, particularly those sites close to the centre of Ascot which would be preferable due to their accessibility. As such, it is considered that the sequential test does not sufficiently rule out potential available sites which could be more suitable for the siting of a leisure centre to serve residents within the south of the Borough.

9.91 The two major centres within the Borough are Maidenhead and Windsor and the Impact Assessment explains that given these centres have facilities comparable or better than those being proposed and closer to their respective centres there would be no reason for the proposed facility to draw users in any meaningful numbers from the existing centres. It is stated that the proposal is not intended to offer an alternative provision but to provide a facility to those residents who currently live within the catchment area of the intended facility. Furthermore, in terms of the smaller centres of Ascot, Sunninghill Cheapside and Sunningdale, there are no leisure facilities in these centre to compete with. This Impact Assessment is not based on any formal assessment or evidence. It could be argued that the residents which the intended facility is to serve do indeed travel to Windsor, Maidenhead or Bracknell to use the existing leisure facilities available to them and if the new centre were to be provided it may have an impact on the existing facilities within the Borough centres. The wording of paragraph 90 of the NPPF states that only if a proposal is likely to have a *significant adverse impact* on an existing centre should it be refused. In this case given the scale of the proposed leisure centre it is concluded that it would unlikely have a significant adverse impact.

#### Environmental Sensitivity

9.92 The fact that the site avoids environmentally sensitive sites is put forward as an important consideration. The lack of harm arising from the proposed development to important sites such as Special Areas for Conservation (SAC), Special Protection Areas (SPA) etc. is something that is required by planning policy and not something that is afforded additional weight in the planning balance.

#### High Quality Design

9.93 As above, high quality design is something that is required by planning policy and not something that can be afforded additional weight in the planning balance.

#### Efficient Use of Brownfield Land

9.94 Section 11 of the NPPF concerns the effective use of land. Whilst the site is considered previous developed land, it is still in the Green Belt and therefore its redevelopment is not considered to have the same benefit as the re-use of brownfield sites in settlement areas and a need for the development at this site has not been sufficiently demonstrated. No weight is afforded to this consideration.

#### Precedent

9.95 The Planning Statement outlines various cases where planning permission has been granted for new indoor leisure facilities both within and outside the Borough as examples of similar development. These examples have been assessed by the LPA and our own assessment of their comparability/relevance is provided:

<b>Site</b>	<b>Proposal</b>	<b>Relevance/Comparability</b>
The Marist, Ascot	Planning permission granted for a dual use facility of 1,491 sq.m.	Within Green Belt Principally school facility and therefore sequential test not required. Limited community use. <b>Half scale of proposed development at Charters therefore less harm to GB. More sustainable location. VSC demonstrated based on educational need.</b>
Braywick Leisure Centre	Relocation of council run leisure centre from sequentially preferable town centre site to edge of centre site. Circa 9,500	Within Green Belt. VSC included the need for the facility, existing location no longer provide appropriate facility. Sequential testing carried out. <b>Would be the main leisure centre to serve Maidenhead, existing in need</b>



		<b>of replacing, evidence base in form of emerging Borough Local Plan, indoor and outdoor facilities strategy and infrastructure delivery plan support. Substantially more sustainable location.</b>
Winchester River Park	Relocation of Council run leisure centre	Outside Green Belt <b>Of limited relevance as site not in Green Belt. Also relocation of existing facility not new.</b>
RAC Club Woodcote	New indoor facility. Private members club. Circa 3,700 q.s.m (similar scale to proposal)	No sequential testing. VSC based around benefits to members. No community use. <b>Not within Borough. Redevelopment of existing sports centre rather than new.</b>

9.96 The Council's assessment in the right hand column in bold shows that these examples are either of little relevance to the current proposal or are not comparable. In particular it should be noted that there is a clear difference between the current proposal and that for the relocation of the Magnet Leisure Centre to Braywick Park. In the case of Braywick Park the site was allocated in the BLP, the facility would be the only one to serve one of the largest towns in the Borough following closure of the Magnet and the facility was considered to bring significant community benefits to a much wider population than the current proposal.

Conclusion – Weighting of Green Belt harm against Very Special Circumstances Case

9.97 This section of the report has highlighted that there would be various educational and community benefits which would arise from this development. It is acknowledged that the application is highly supported by Sports England and no objection has been received by the Council's Education Officer. However there is a clear distinction between a development which would provide some benefits to those users to which it would serve and a development which would serve an underlying planning need. A large focus of the application is to provide a facility to serve the residents within the south of the Borough because it is argued that the spread of existing facilities within the Borough is uneven with the majority of facilities being focussed within and around Maidenhead and Windsor. A key point however is that the majority of the population of the Borough live in and around the two towns of Windsor and Maidenhead and therefore the existing facilities are best serving the residents of the Borough by being located in the most densely populated locations. The spread of facilities therefore has to be uneven to serve the spread in population. The educational and community benefits are clear in this case and such benefits are endorsed by the NPPF, however given that these are benefits however and not evidenced established needs or requirements the weight attributed to them is **moderate**.

9.98 The proposal for a new leisure centre is not supported by adopted or emerging planning policy, or by other evidence base documents. Advice from Sports England is that the facility would be of an excellent standard and provide great opportunities for the school and community but it has not been established that there is an underlying need for a new swimming pool, additional sports hall or health and fitness suites. The weight attributed to the need for the facility for leisure and recreational purposes is therefore **limited**.

9.99 In terms of educational need, the proposal is not objected to by the Council's education officer, nor has it been confirmed that there is an underlying need for additional sporting facilities to be provided at Charters school either to deliver the PE curriculum or to relieve accommodation pressures. The weight given to educational need is therefore **limited**.

9.100 The sequential test concludes that there are no other suitable sites within the south of the Borough that would be sequentially preferable to locate the development. However, given that

there is no demonstrable educational or community need for the facility the sequential test is therefore **not afforded any weight** in the Very Special Circumstances case.

9.101 Other considerations put forward by the applicant regarding environmental considerations, design, re-use of brownfield land and precedent are considered to be circumstances which any development has the potential to bring about and therefore are **not afforded any weight** in this case. The benefits of local employment arising from the construction phase is given **limited weight**. The proposal will lead to a modest number of employment opportunities from the end use and as such this is only afforded **limited weight**.

9.102 As such, the cumulative weight that can be attributed to the considerations put forward in favour of the development by the applicant as detailed above is considered to only amount to **moderate cumulative weight**.

9.103 At this point, it is worth noting that even if the environmental and technical matters such as the harm to ecology and harm to flood risk are overcome through the submission of updated technical reports and surveys, the harm to the Green Belt (substantial) and the character of the area (significant) and the harm afforded to siting the proposed facility in an inaccessible location (moderate) will still remain and would not be outweighed by the weight attributed to the considerations put forward in support of the application.

## **10. PLANNING BALANCE AND CONCLUSION**

10.1 Paragraphs 1 and 12 of the NPPF (2019) are clear in stating that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

10.2 The report has highlighted that the proposal is contrary to the development plan and those relevant policies of the development have been found consistent with the NPPF and are therefore afforded due weight in the planning balance.

10.3 It has also been concluded in this report that there are not considered to be any Very Special circumstances which would outweigh the harm to the Green Belt and the other identified harm. This harm to the Green Belt is therefore afforded **substantial** weight in the overall planning balance. In addition there is additional **significant** harm arising from the impact on the character of the area and the **significant** impact of the unsustainable inaccessible location.

10.4 Whilst various social and economic benefits would arise from the proposal including the community benefits of the proposed facility as outlined above, these benefits are considered to be relatively limited and thereby the weight attached to these cumulative benefits is **moderate**.

10.5 As such in this case, the benefits of the proposal do not outweigh the identified harm; the proposal is contrary to the development plan and no material considerations have been identified which would indicate otherwise; as such, the proposal is recommended for refusal.

## **11. APPENDICES TO THIS REPORT**

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

## **12. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

1 The proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt, would be harmful to actual openness of the Green Belt and result in an encroachment of the countryside. The proposal is therefore contrary to saved Policies GB1 and GB2(A) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003), emerging Policy SP5 of the Borough Local Plan: Submission Version, January 2018 and paragraph 145 of the National Planning Policy Framework, July 2018.

2 The proposed development, by virtue of its height, scale, bulk and external appearance would not relate well the existing development within the site of Charters School which it would sit alongside

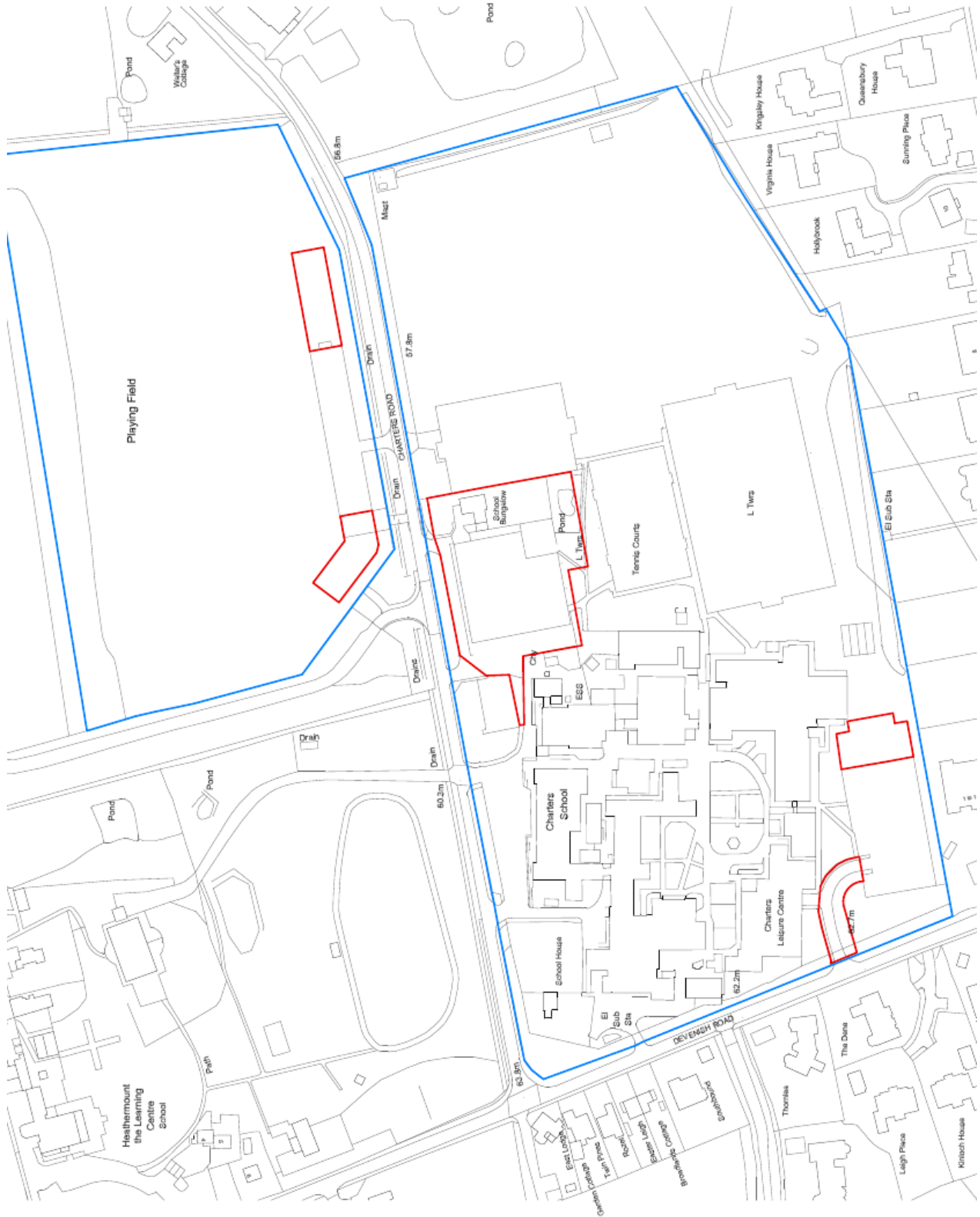
therefore appear as an incongruous and prominent feature within the street scene of Charters Road which would be harmful to the character of the area. The proposal is considered to be out of keeping contrary to policies DG1, H10 and N6 of the Local Plan, policies SP2 and SP3 of the submission version of the emerging Borough Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework.

- 3 The proposal comprises a town centre use within a rural countryside location which suffers from poor accessibility and reliance on the private motor car. The location of the proposed leisure centre in this location would go against the aims of paragraph 103 of the National Planning Policy Framework which advises that significant development should be focussed on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.
- 4 The application does not demonstrate that a viable surface water drainage system will be delivered and insufficient information has been submitted to demonstrate that flood risk would not be exacerbated as a result of these proposals. Accordingly the proposal is contrary to paragraph 165 of the NPPF.

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Appendix A

Location Plan

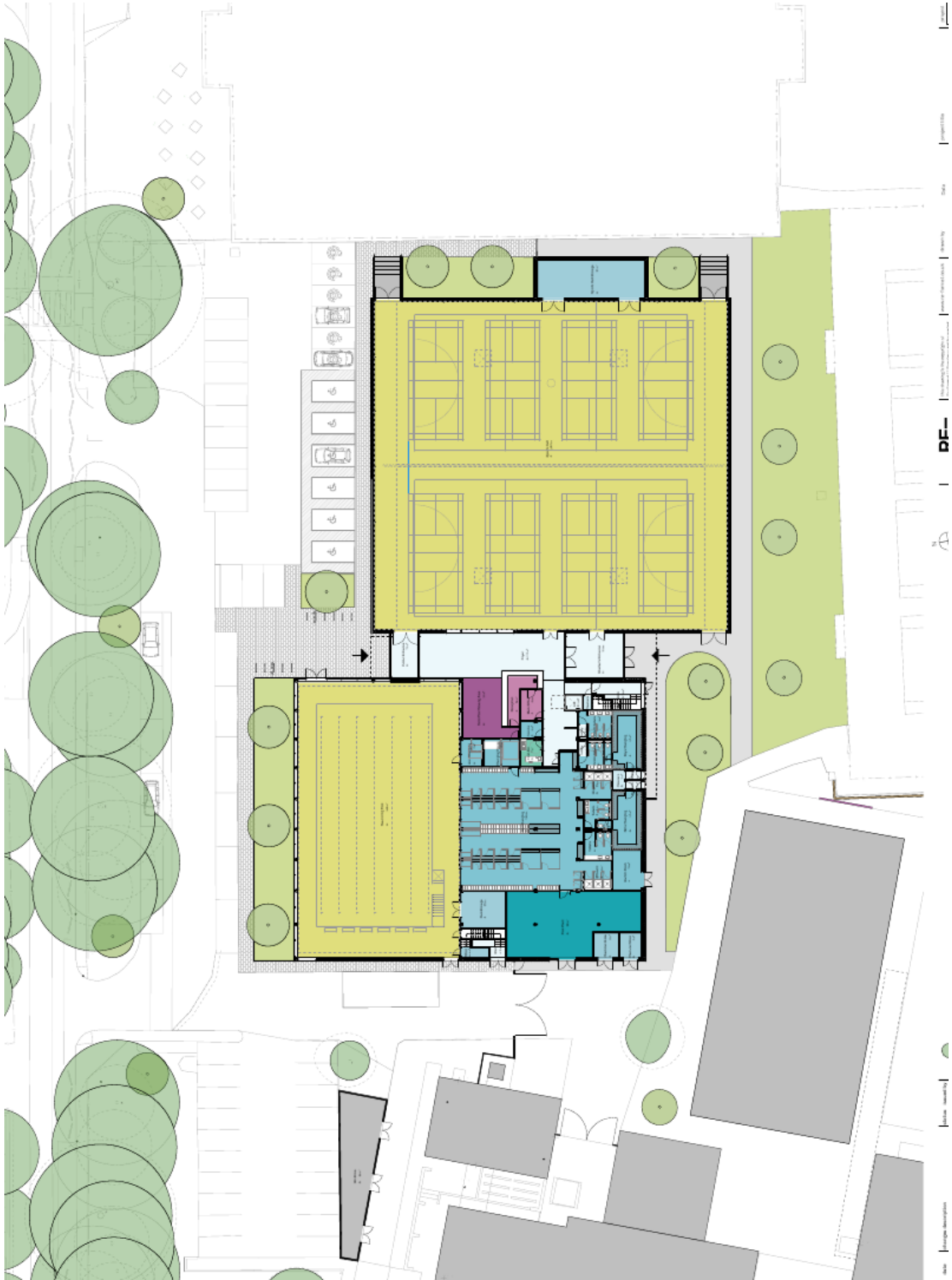


Proposed site plan

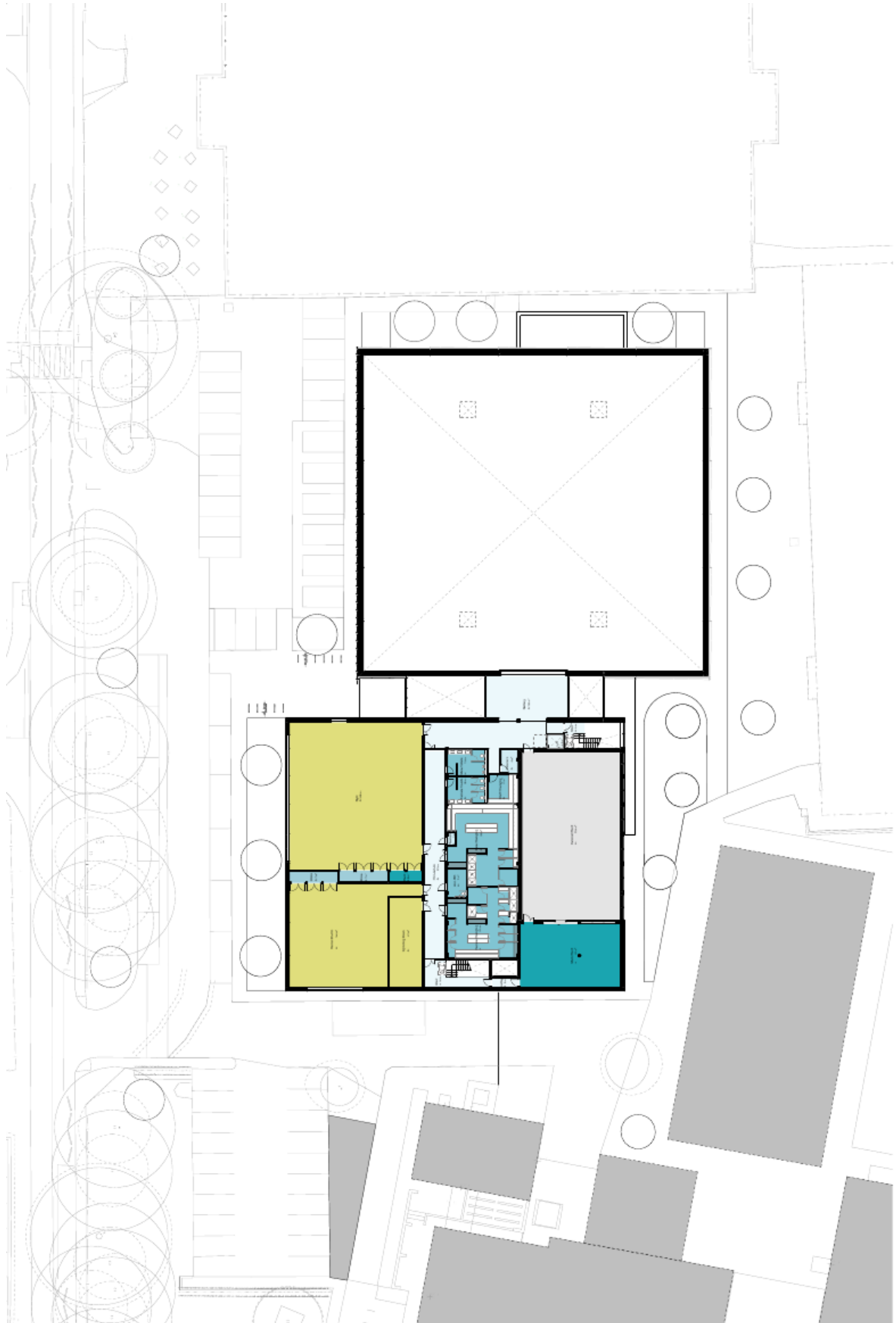


Appendix B

Ground floor plan

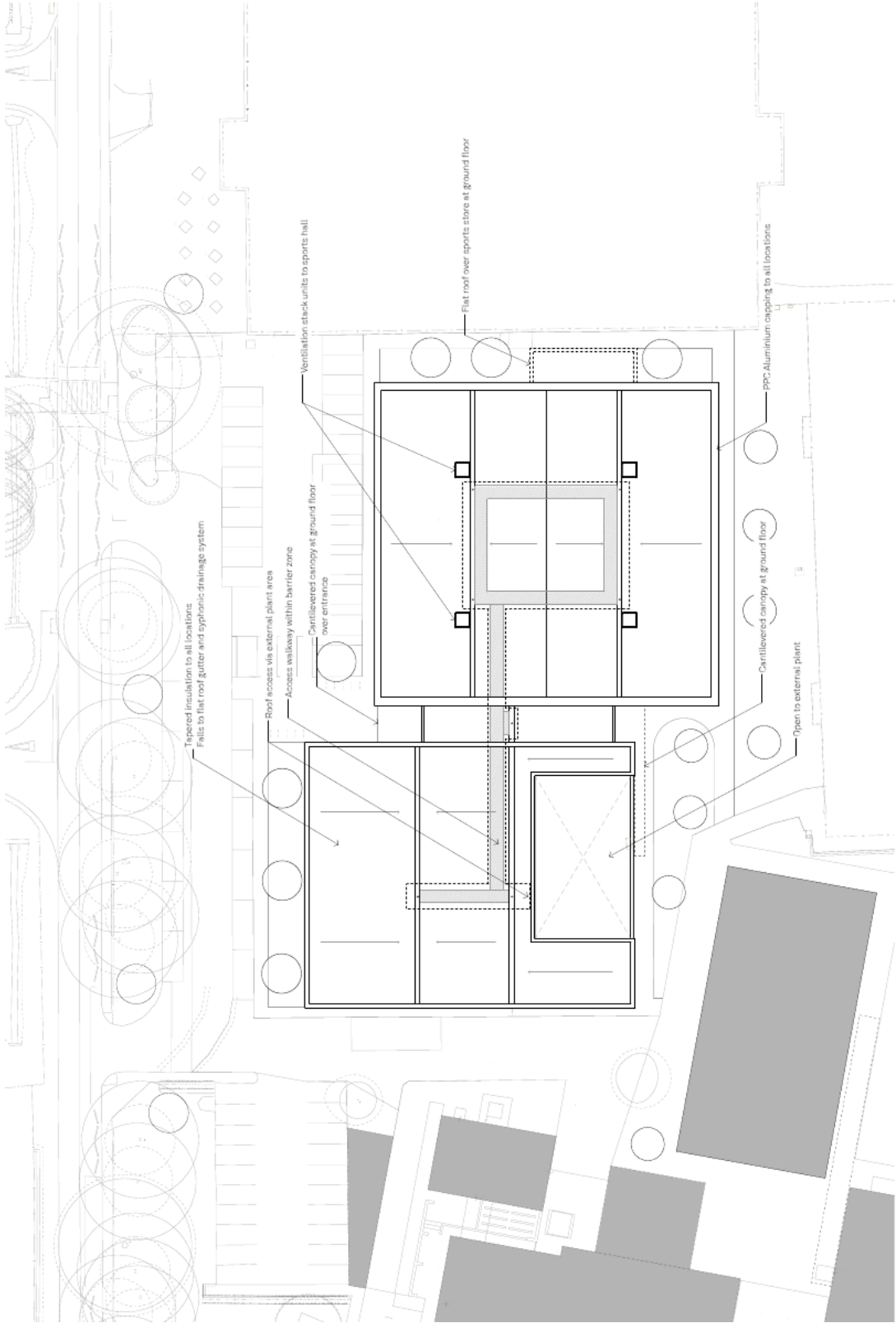


Proposed first floor plan

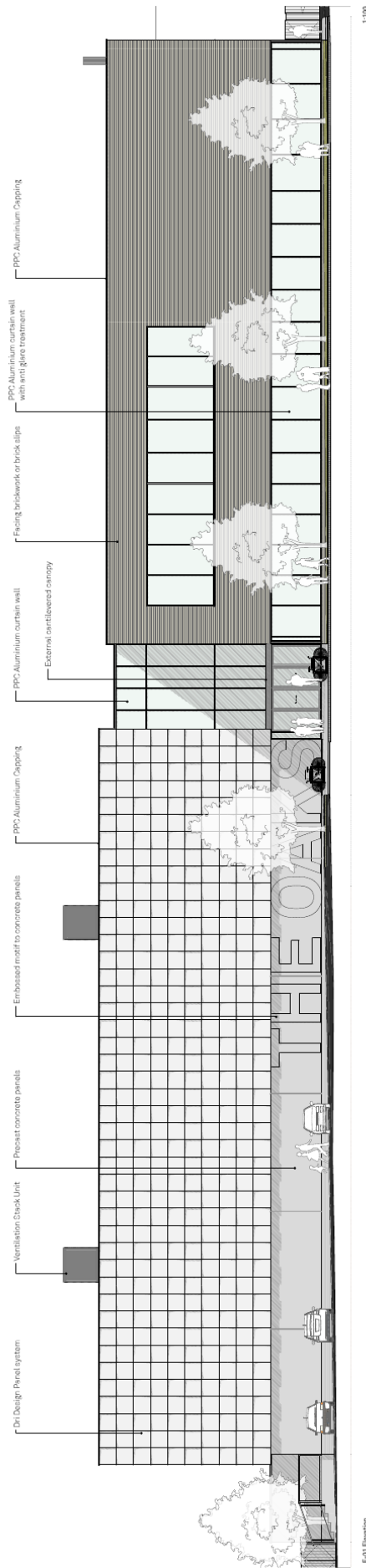




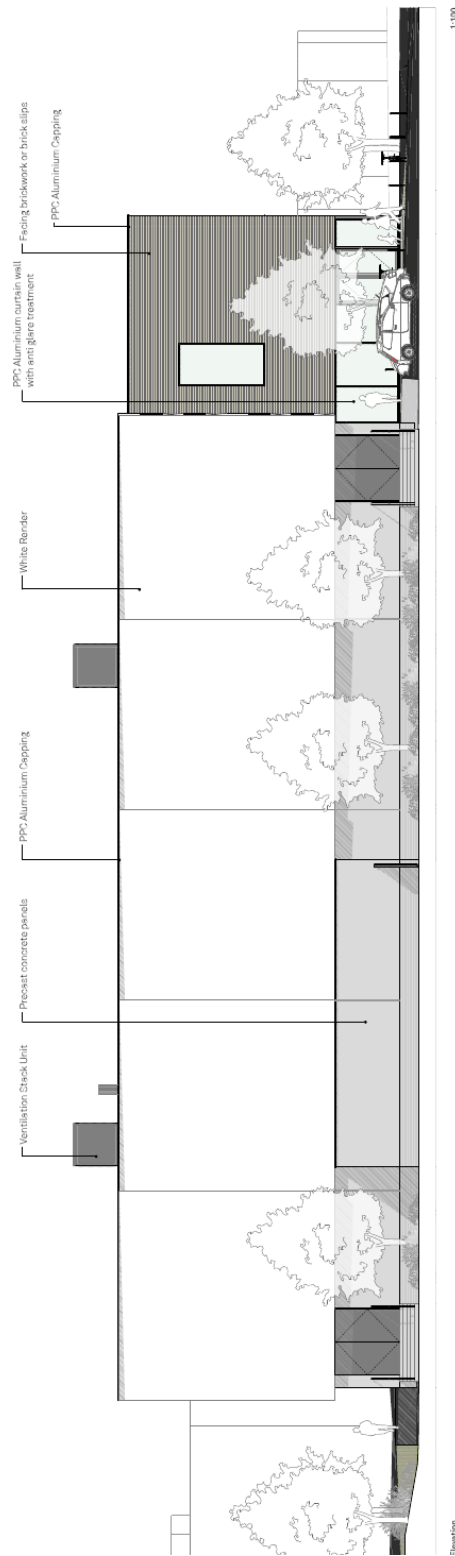
Proposed roof plan



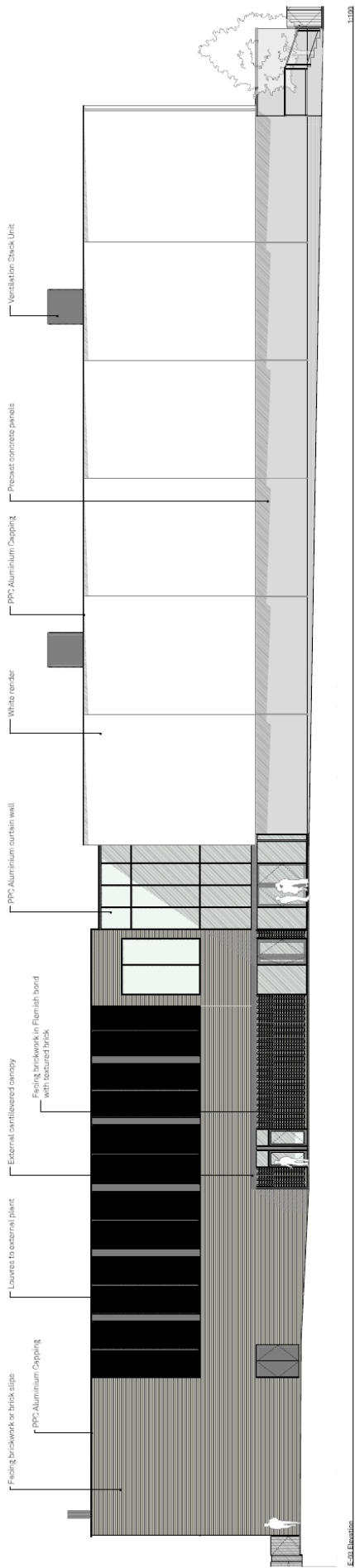
Front elevation



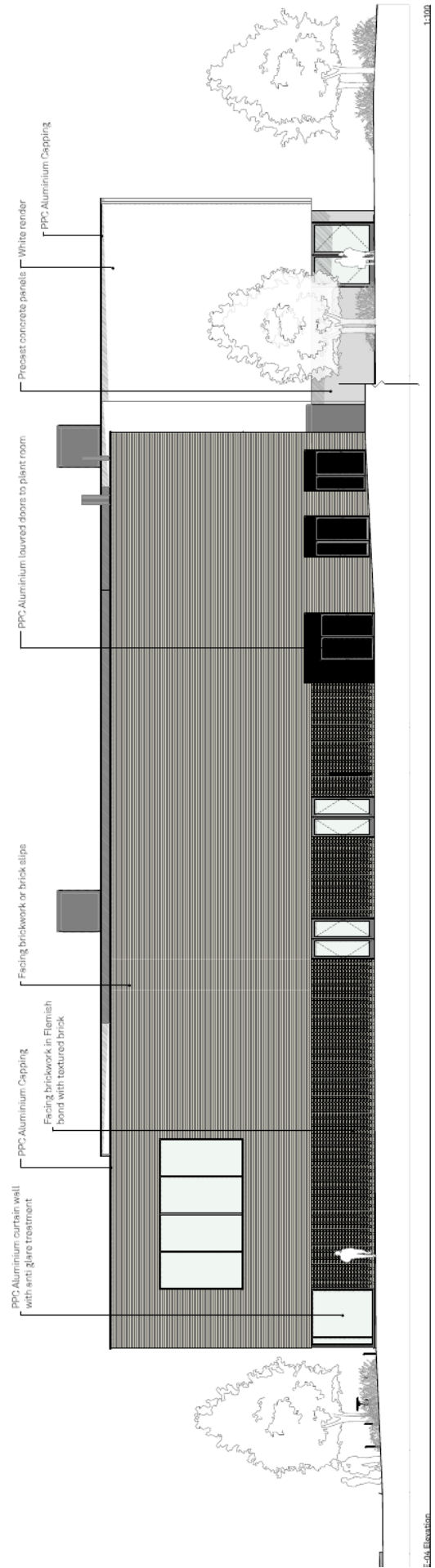
Proposed side elevation  
(east)



Rear elevation



Side elevation (west)



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## DEVELOPMENT CONTROL PANEL

4 September 2019

Item: 6

<b>Application No.:</b>	19/00948/FULL
<b>Location:</b>	Wheatsheaf Parade St Lukes Road Old Windsor Windsor SL4 2QH
<b>Proposal:</b>	Erection of a new building comprising of 3 no. flats with associated bin storage and cycle shelter following demolition of existing garages. Two storey extension adjacent to 5 Wheatsheaf Parade to provide 2no. flats. Re-positioning of existing vehicular access.
<b>Applicant:</b>	
<b>Agent:</b>	Mr Nick Kirby
<b>Parish/Ward:</b>	Old Windsor Parish/Old Windsor Ward

**If you have a question about this report, please contact:** Adam Jackson on 01628 796660 or at [adam.jackson@rbwm.gov.uk](mailto:adam.jackson@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 It has not been demonstrated that there are no suitable and available sites for the development outside of the flood zone or in an area of lower flood risk. The proposed development therefore fails the sequential test. In addition the proposed development would reduce the capacity of the flood plain to store water, would impact on the free flow of flood water and would increase the risk of flooding to neighbouring properties. No suitable flood mitigation has been proposed which addresses this. The development would also increase the number of people and properties within the flood plain without a proper safe or low hazard escape route being available from the site in flood conditions. The Environment Agency have commented on the application and have raised concerns that the effects of climate change have not been taken into account and the full range of potential flood events has not been considered. This is due to the submitted flood risk assessment using draft data and not the officially supplied data (Product 4 Lower Thames 2009 model). The proposal fails to comply with paragraphs 155, 157, 158 and 163 of the National Planning Policy Framework, policy F1 of the Local Plan and policy NR1 of the submission version of the emerging Borough Local Plan.
- 1.2 The proposed development is of a scale and form which appears cramped and cluttered, and which is out of keeping with the surrounding properties and is dominating within the street scene. The design of the flats are also not considered to be in keeping with the character and appearance of the area, in particular the block of flats to the eastern side of the site which has a bulky mansard roof and dormer windows. This roof design is at odds with the simple and modestly designed hipped and gable ended roofs of the surrounding properties. The proposed development fails to comply with policies DG1, H10 and H11 of the Local Plan, paragraph 127 and 130 of the National Planning Policy Framework and policies SP2 and SP3 of the submission version of the emerging Borough Local Plan.
- 1.3 The proposed development is considered to have an acceptable impact on the amenity of existing residents and would provide the future occupiers of the flats with an acceptable standard of amenity.

- 1.4 The proposed development would provide sufficient car parking for the users of the flats. It is proposed to re-locate the existing access to the west, however sufficient visibility will be retained and it is not considered that the additional traffic generated by the development would negatively impact on highway safety. It is noted that cars park to the rear of Wheatsheaf Parade and that deliveries are also made to this area for the shops, however there are no formal rights for parking or deliveries in this area, and as such the applicant cannot be required to retain this space for these uses. There is a delivery bay to the front of Wheatsheaf Parade on the opposite side of the Road which can accommodate deliveries to Wheatsheaf Parade.

<b>It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):</b>	
1.	The applicant has failed to demonstrate the development cannot be located elsewhere, in an area of lower flood risk. The proposal therefore fails the sequential test which aims to steer development away from the areas of highest risk. The proposal fails to comply with paragraphs 155, 157 and 158 of the National Planning Policy Framework.
2.	The application site is located within Flood Zone 3, which is an areas considered to be at high risk from flooding. The proposed development would increase the ground covered area on site and would significantly reduce the ability of the flood plain to store water. The development would also impact on the free flow of flood water, resulting in an increased risk of flooding for neighbouring properties. Additionally the proposed development would introduce new people and properties into an area of flood risk, and it has not been demonstrated that a safe or low hazard escape route is available from the site in flood conditions. The proposal fails to comply with paragraph 163 of the National Planning Policy Framework, policy F1 of the RBWM Local Plan, and policy NR1 of the submission version of the emerging Borough Local Plan.
3.	The proposed development is of a scale and form of development which appears cramped and cluttered and which is out of keeping with the surrounding properties and is dominating within the street scene. The design of eastern most block of flats is also not considered to be in keeping with the surrounding properties and the character of the area as it introduces a bulky mansard style roof form with dormer windows, and is at odds with the simple and modest hipped and gable ended roofs of the surrounding properties. The proposed development fails to comply with policies DG1, H10 and H11 of the Local Plan, paragraph 127 and 130 of the National Planning Policy Framework and policies SP2 and SP3 of the submission version of the emerging Borough Local Plan.

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

- At the request of Councillor Beer due to considerable local concerns about overdevelopment of 6 flats on this confined site and confusing changes to access to existing flats and fish and chip shop.

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



- 3.1 The application site is the area to the side and rear of Wheatsheaf Parade, St Lukes. Old Windsor. The site houses an existing garage block which is to be demolished and is also used as an informal parking and delivery area for the shops within the parade. The site area is approximately 700sqm. The application site is within Flood Zone 3.

#### 4. KEY CONSTRAINTS

- 4.1 The key constraints on the site are:

- Flooding

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

- 5.1 The proposal is for the creation of 5 flats across 2 blocks. Overall there will be 5 x 1 bedroom flats. The block to the rear of the existing parade of shops which will house 3 of the proposed flats has a footprint of approximately 112sqm and a height of 8.5m. The building is three storeys tall with the second floor being within the mansard style roof and the ground floor being used as an undercroft parking area. The other block will be to the side of and attached to Wheatsheaf Parade. This block has a footprint of approximately 100sqm and a height of 7.5m. This building is 2 stories tall and sits slightly higher than the existing Wheatsheaf Parade. A garage is provided within part of the ground floor. Both blocks are proposed to be finished in brick. Cycle and refuse storage will be provided to the north of the site and the existing access along the southern boundary will be altered and utilised for vehicle access.

- 5.2 There is no relevant planning history for this site.

#### 6. DEVELOPMENT PLAN

##### Adopted Royal Borough Local Plan (2003)

- 6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10, H11
Highways	P4, T5
Flooding	F1
Acceptable impact on listed building	LB2

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

#### 7. MATERIAL PLANNING CONSIDERATIONS

##### National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

Section 14- Meeting the challenge of climate change, flooding and coastal change

Section 16- Conserving and enhancing the historic environment

## Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Flooding	NR1
Historic Environment	HE1

- 7.1 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 detail in the assessment below.

This document can be found at:

[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### Supplementary Planning Documents

- RBWM Interpretation of Policy F1

### Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape 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](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

17 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 16<sup>th</sup> April 2019

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

Comment		Where in the report this is considered
1.	Comments were made regarding the ownership of the garages and whether the applicant legally has the right to build on the whole site.	N/A – The applicant has signed the relevant land ownership certificates and has served notice on those who have a land ownership interest.
2.	Comments were made with regards to the existing use of the area for parking and deliveries in connection with the shops and how the development will impact upon this.	Paragraph 9.17
3.	Comments were made with regards to the impact of the flats on the light to the existing shops and flats as well as overlooking of residential properties.	Paragraph 9.13
4.	Comments have been made about the scale of the flats and the overpowering impact this will have on the street scene.	Paragraphs 9.9 and 9.10
5.	Comments have been made that there will not be enough parking for the flats.	Paragraph 9.15
6.	Comments have been made that the development will create dangers for pedestrians due to the increase in vehicle movements.	Paragraph 9.16
7.	Comments have been made with regards to the disturbances that will occur during construction such as noise, odour and traffic.	N/A - The impacts of the development are unlikely to be so severe so as to cause a statutory nuisance.
8.	Comments have been made that the development would result in an overcrowding of the site.	Paragraphs 9.9 and 9.10
9.	Comments have been made with regards to the lack of outdoor amenity space for the future occupiers of the flats.	Paragraph 9.14
10.	Comments have been made that the development will obscure the shops and thereby reduce passing trade and that delivery vehicles will stop people from being able to park or stop outside the shops.	N/A – This is not a material planning consideration.

#### Statutory consultees

Consultee	Comment	Where in the report this is considered
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Environment Agency	Objects as the flood risk assessment does not comply with the requirements for site-specific flood risk assessments, as set out in the national planning practice guidance. In particular the flood risk assessment fails to consider how a range of flooding events will affect people and property and fails to take into account the impacts of climate change.	Paragraphs 9.2 – 9.7
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### Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	<p>Members had a very strong objection to this application:</p> <ul style="list-style-type: none"> <li>• Considered to be an overdevelopment of the site</li> <li>• Overbearing for a rural village location</li> <li>• Out of keeping with the neighbouring properties</li> <li>• Inadequate parking as visitors not catered for</li> <li>• Loss of shopper parking</li> <li>• The staircase on the block next to the fish and chip shop exists outside of the site boundary</li> <li>• Moving the access closer to the 90 degree corner will put other road users and pedestrians at risk</li> <li>• Negative impacts on businesses</li> <li>• Insufficient amenity space for any of the properties</li> <li>• Not person friendly</li> <li>• Negative environmental impacts as a result of being in between two catering establishments.</li> <li>• Noise from establishments late at night</li> <li>• Frequent carbon dioxide build up from traffic backed up on Straight Road will negatively impact on the quality of life for the future occupiers.</li> <li>• Fails to taking into account policies of the emerging Old Windsor neighbourhood plan.</li> <li>• The development will exacerbate existing flooding and groundwater issues.</li> <li>• The proposal would remove access for long established pattern of deliveries to the rear of the existing businesses.</li> <li>• Will adversely impact existing traffic issues if delivery vehicles have to wait for space.</li> </ul>	<p>Flooding issues are considered in paragraphs 9.2 – 9.7.</p> <p>Design and character issues are considered in paragraphs 9.8 – 9.12.</p> <p>Residential amenity is considered in paragraphs 9.13 and 9.14</p> <p>Parking and highway safety issues are considered in paragraphs 9.15 – 9.18</p>

Highways	No objections subject to conditions relating to access and visibility, parking provision, construction management details, cycle store provision and refuse store provision.	Paragraphs 9.15 – 9.18
Environmental protection	No objections subject to conditions relating to aircraft noise and construction working and delivery/collection hours.	
Conservation	No objection	

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The impact on flooding
- ii The impact on the character and appearance of the area
- iii The impact on residential amenity
- iv The impact on parking and highway safety

### **The impact on flooding**

9.2 The application site is within Flood Zone 3 (1 in 100) which is an area considered to be at high risk from flooding. Policy F1 of the RBWM Local Plan sets out that within areas liable to flood development in excess of 30sqm will not be permitted unless it can be demonstrated that the development would not: impede the flow of flood water, reduce the capacity of the flood plain to store water, or increase the number of people or properties at risk from flooding. This policy is consistent with the National Planning Policy Framework (NPPF) which sets out in paragraph 163 that applications within flood zones 2 and 3 should be supported by a site specific flood risk which should demonstrate that the development will be safe from flooding and will not increase flood risk elsewhere.

9.3 It is also necessary for the sequential test to be applied and paragraph 158 of the NPPF sets out that the sequential test should steer new development to areas with the lowest risk of flooding. In order to pass the sequential test the applicant must demonstrate that there are no suitable and available sites for the development in an area of lower flood risk. Paragraph 159 sets out that if it is not possible for development to be located in zones with a lower risk of flooding, the exceptions test can be applied. The exceptions test requires developers to demonstrate that their development provides wider sustainability benefits which outweigh the flood risk, and that the development will be safe for its lifetime taking into account the vulnerability of its users.

### Sequential Test

9.4 The applicant has undertaken the sequential test in support of their application, however it has only undertaken a search of sites within Old Windsor rather than across the whole Borough. The applicant in support of this approach has referred to two decisions made by RBWM where a narrowed search area was accepted as well as two appeal decision from outside of the Borough. As set out in National Planning Policy Guidance (NPPG), it is for the Local Planning Authority to consider the extent to which sequential test consideration have been satisfied, and as such any decisions made by other Local Planning Authorities are not relevant to this application. With regards to the decisions that were made by RBWM, one of these relates to the Hindu Society in Maidenhead and as such is not directly comparable to this scheme and the other was

made in 2014. The Local Planning Authority are consistent in requiring applicants to carry out a search across all areas of the Borough when undertaking the sequential test as there is a need for housing across the whole Borough. Notwithstanding the above, of the sites that have been assessed, they have either been ruled out due to being within Flood Zone 3 or due to the size of the site not being suitable for the proposed development and these are considered to be acceptable reasons for discounting sites. As the sequential test has not been passed it is not necessary for the exceptions test to be considered.

#### Impact on the flood plain

- 9.5 The proposed development has a ground covered area (GCA) of 200sqm. This includes the proposed bin store and cycle store, but does not include the northern part of the undercroft parking area (spaces P4, P5 and P6) on the eastern block of flats as this area is completely open on two sides. The remainder of the undercroft parking area is included within the GCA calculations for this site as this is enclosed on 3 sides and would therefore likely impede the free flow of flood water. The interpretation of policy F1 supplementary planning document sets out that car ports which are completely open on at least 2 sides will not be included as contributing to the GCA and this approach has been applied here. Openings are proposed in the rear wall to try and allow flood water to flow through the undercroft parking area, however this is then impeded by fencing (as shown on drawing PL 07 Revision B). In any case openings such as these tend to get blocked by flood debris or have domestic paraphernalia stored in front of them, thereby reducing their effectiveness. Taking into account the above and taking into account the loss of the existing garage block on site, the overall increase in GCA is 80sqm. As the increase in GCA is in excess of 30sqm it is necessary for flood mitigation to be provided. The Environment Agency have set out in their comments that the preferred approach would be level for level compensation due to voids, stilts or undercroft parking tending to become blocked over time by debris and domestic effects, however this requires land on the edge of the floodplain and above the 1% annual exceedance probability (1 in 100) flood level, plus an appropriate allowance for climate change to be achievable. It is not considered that the application adequately demonstrates how the increase in GCA will be mitigated for. The Environment Agency have also raised concerns that the model data used is the 2019 draft model and not the officially supplied date (Product 4 Lower Thames 2009 model) and that the impacts of climate change and other residual risks of flooding have been properly taken into account.

#### Safe access/escape

- 9.6 It has also not been demonstrated that the development would be provided with safe access and escape routes during flood conditions as required by paragraph 163 of the NPPF. The FRA recommends that residents sign up to the Environment Agency flood warning service, however this is not considered acceptable as people do not always heed the flood warnings or do not leave their properties in time. A flood evacuation route has been shown, however this has been plotted using the draft data which the Environment Agency have advised should not be used and full details of flood levels and flood water velocities along the route have not been provided.
- 9.7 In conclusion, it has not been demonstrated that there are no suitable and available sites for the proposed development within an area of lower flood risk. As such the sequential test is failed. In addition, the proposed development would reduce the capacity of the flood plain to store water, would impact on the free flow of flood water and would put neighbouring sites and properties at greater risk of flooding. The proposed development would also introduce 5 new flats, and therefore new residents,

into an area liable to flood with no safe or low hazard escape route available should the site flood. The proposal fails to comply with paragraphs 155, 157, 158 and 163 of the National Planning Policy Framework, policy F1 of the Local Plan and policy NR1 of the submission version of the emerging Borough Local Plan.

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

- 9.8 Policy DG1 of the Local Plan is consistent with the principles of the NPPF and requires good design. Part of good design is ensuring that new buildings are compatible with the established street façade and would not harm the character of the area. This is also supported by policy H11 of the Local Plan which aims to ensure that the scale and density of new developments are in keeping with the character of the area. Policy H10 also requires new residential development to display high standards of design.
- 9.9 The proposed development includes two separate blocks of flats with a combined footprint of approximately 212sqm. In addition a dedicated bin store and cycle store are to be provided and these have a combined footprint of approximately 35sqm. The increase in built form compared to the existing garages on site, which have a footprint of approximately 120sqm is therefore significant. The block of flats which replaces the existing garage block is 5.5m taller than the existing garages. Both blocks of flats are also built right up to and are full height along the site boundaries to the south and east. The block of flats attached to the Wheatsheaf parade in particular would appear very dominant within the street scene due to its position on the corner of the site and infilling of an existing open corner. This block of flats would be prominent from both St Lukes and St Peters Road. The site will also likely continue to be used for the storage of bins in association with the Wheatsheaf parade shops and there will be a general increase in activity on the site as a result of the additional residents/users. The above factors will lead to a form of development which appears cramped, cluttered and which is out of keeping with the surrounding properties and the character of the area. Surrounding properties are modestly sized semi-detached and terraced properties, and where development is of a larger scale, such as the Wheatsheaf Parade and the Toby Carvery to the rear, it is set within larger and more spacious plots.
- 9.10 The design of the flats are not considered to be in keeping with the character and appearance of the area. The block of flats to the east of the site, which replaces the existing garage block, in particular is out of keeping with the surrounding properties due to the bulky mansard roof and dormer windows which are at odds with the simple and modestly designed hipped and gable ended roofs of the surrounding properties.
- 9.11 Opposite the site to the South East is number 38 St Lukes Road which is a grade II listed building. Comments have been received from the Council's Conservation team who consider that the proposal in its current form misses an opportunity to improve the setting of the designated heritage asset, however it is accepted that the proposal would not have an adverse impact on its setting either.
- 9.12 In conclusion the proposed development represents a cramped and dominant form of development which is out of keeping with the surrounding properties and would cause harm to the character and appearance of the area. The proposed development fails to comply with policies DG1, H10 and H11 of the Local Plan, paragraph 127 and 130 of the National Planning Policy Framework and policies SP2 and SP3 of the submission version of the emerging Borough Local Plan.

### **The impact on residential amenity**

- 9.13 Paragraph 127 of the NPPF requires that places promote a high standard of amenity for existing and future users. There are 5 existing flats on site above the shopping parade which have rear windows facing towards where the eastern most block of flats will be. At its closest point the new flats will be within approximately 4.5m, however at this point the proposed block of flats is lower due to the roof terrace. At full height, the closest the new flats will be to the existing flats is approximately 9m. A daylight study has been submitted which shows that at no point would the new block of flats intercept a 25 degree line taken from the rear windows of the existing flats and would not therefore cause a material loss of light. All other residential properties are set far away from the proposed development to prevent a loss of amenity.
- 9.14 Each of the proposed flats will provide an internal space which is comparable with the standards set out in the national technical housing standards. In addition each flat will be provided with a balcony and the 3 flats within the block to the east of the site will be provided with a communal roof terrace area as well. There is no private outdoor garden space to be provided, however given the provision of the balconies and terraces, the likely users of the flats (not families), and the proximity of the recreation ground, this is considered acceptable. In conclusion the proposed development would not materially impact upon the amenity of existing residents and would provide future residents with an acceptable standard of amenity.

#### **The impact on parking and highway safety**

- 9.15 The site currently houses a garage block, however the garages are not linked to any particular property and are used mostly for storage. As such the loss of the garages is not objected to. The proposal for 5 x 1 bedroom flats generates a requirement for 5 car parking spaces under the Borough's current parking standards. The proposal meets these standards by providing 1 garage, 1 surface parking space and 6 undercroft parking spaces. The size of each space complies with the Borough's standards.
- 9.16 The existing access is to be re-positioned approximately 5.8m further to the west to accommodate the new block of flats. The re-located access will retain sufficient visibility in both directions. The additional vehicle movements in and out of the site are not considered to pose a highway safety risk.
- 9.17 It is noted that cars park to the rear of the shops and that deliveries are often made to the shops from this area as well. However, the residents of Wheatsheaf parade do not have formal parking rights on this site, nor do the shop owners have formal rights to receive deliveries in this area. A designated loading bay is available on the opposite side of the road to Wheatsheaf Parade, which will allow for deliveries to be made to the shops should it not be possible for delivery lorries to access the existing delivery area.
- 9.18 The development proposes 6 Sheffield stands within a cycle store, however the cycle store does not appear to be secure. Should the application be approved details of an updated cycle store would be required. A designated refuse store is also provided and this is considered acceptable.

#### **Other Material Considerations**

##### Housing Land Supply

- 9.19 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:



*For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

9.20 Footnote 7 of the NPPF (2019) clarifies that:

*'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).'*

9.21 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hyr hls) is the 'standard method' as set out in the NPPF (2019).

9.22 The LPA therefore accepts, for the purpose of this application and in the context of paragraph 11 of the NPPF (2019), including footnote 7, the presumption of approving the development commonly known as the 'tilted balance' could be applied. However in this instance given the conflict with flooding policy which provides a clear reason for refusing the proposed development, footnote 6 the 'tilted balance' is not engaged.

#### Borough Local Plan weighting

9.23 Significant weight is to be afforded to the relevant Borough Local Plan Submission Version policies in this case.

## **10. PLANNING BALANCE AND CONCLUSION**

10.1 Whilst acknowledging that this proposal for 5 units would make a small contribution towards the LPA meeting their 5yr housing land supply the proposed development would have an adverse impact on the flood plain and would increase the number of people and properties at risk from flooding. Furthermore it has not been demonstrated that the development would pass the sequential test. The proposal therefore clearly fails to comply with paragraphs 155, 157, 158 and 163 of the National Planning Policy Framework, policy F1 of the RBWM Local Plan, and policy NR1 of the submission version of the emerging Borough Local Plan. In addition harm would be caused to the character and appearance of the area due to the scale and cramped nature of the development, in conflict with policies DG1, H10 and H11 of the Local Plan, paragraph 127 and 130 of the National Planning Policy Framework and policies SP2 and SP3 of the submission version of the emerging Borough Local Plan.

10.2 It is also worth highlighting that paragraphs 1 and 12 of the NPPF (2019) are clear in stating that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposed development remains contrary to the Development

Plan and it is not considered that the NPPF (2019), as a material consideration, demonstrates that in this instance planning permission should be granted.

**11. APPENDICES TO THIS REPORT**

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

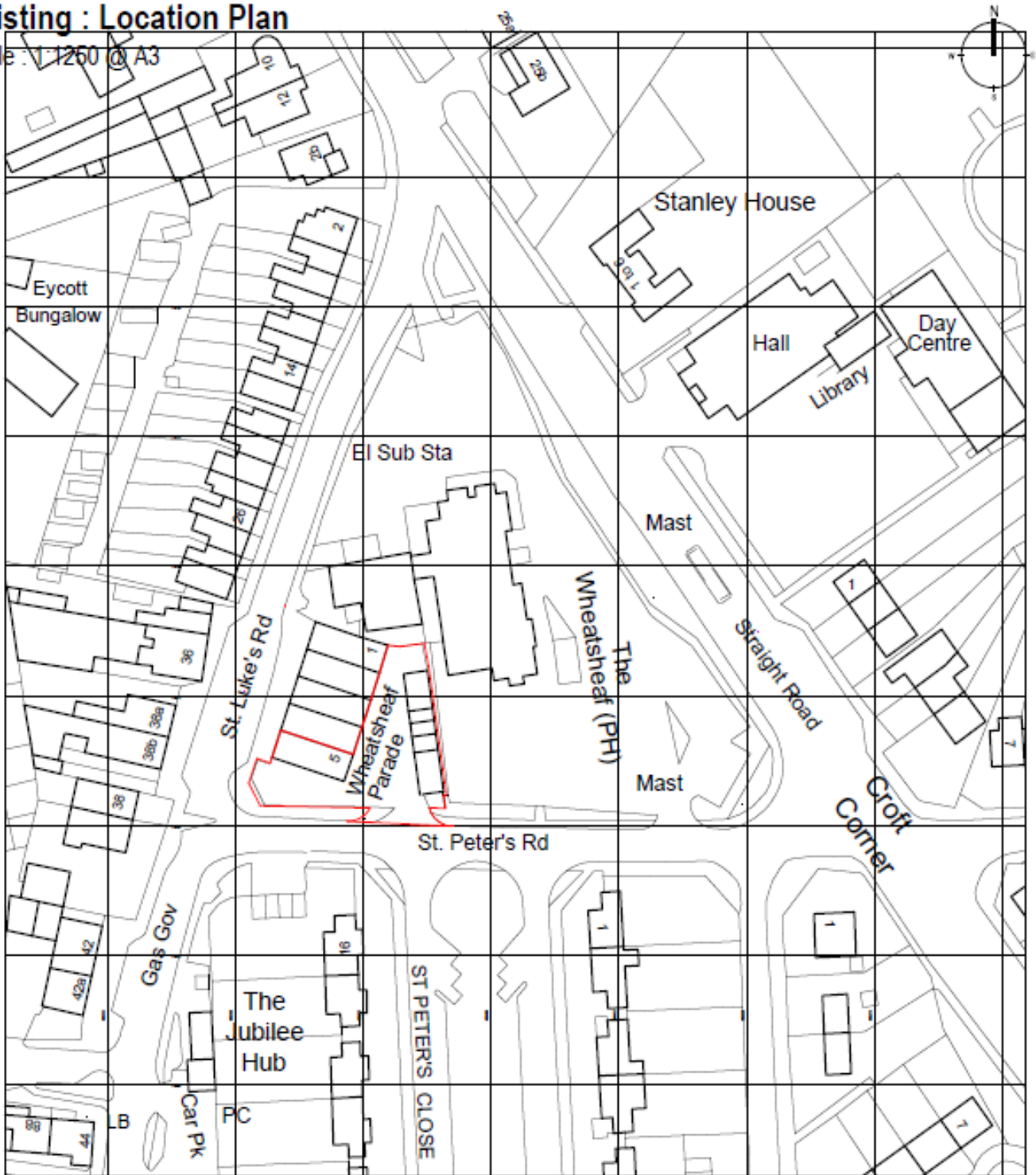
**12. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

- 1 The applicant has failed to demonstrate the development cannot be located elsewhere, in an area of lower flood risk. The proposal therefore fails the sequential test which aims to steer development away from the areas of highest risk. The proposal fails to comply with paragraphs 155, 157 and 158 of the National Planning Policy Framework.
- 2 The application site is located within Flood Zone 3, which is an areas considered to be at high risk from flooding. The proposed development would increase the ground covered area on site and would significantly reduce the ability of the flood plain to store water. The development would also impact on the free flow of flood water, resulting in an increased risk of flooding for neighbouring properties. Additionally the proposed development would introduce new people and properties into an area of flood risk, and it has not been demonstrated that a safe or low hazard escape route is available from the site in flood conditions. The proposal fails to comply with paragraph 163 of the National Planning Policy Framework, policy F1 of the RBWM Local Plan, and policy NR1 of the submission version of the emerging Borough Local Plan.
- 3 The proposed development is of a scale and form of development which appears cramped and cluttered and which is out of keeping with the surrounding properties and is dominating within the street scene. The design of eastern most block of flats is also not considered to be in keeping with the surrounding properties and the character of the area as it introduces a bulky mansard style roof form with dormer windows, and is at odds with the simple and modest hipped and gable ended roofs of the surrounding properties. The proposed development fails to comply with policies DG1, H10 and H11 of the Local Plan, paragraph 127 and 130 of the National Planning Policy Framework and policies SP2 and SP3 of the submission version of the emerging Borough Local Plan.

# Appendix A—Site location plan

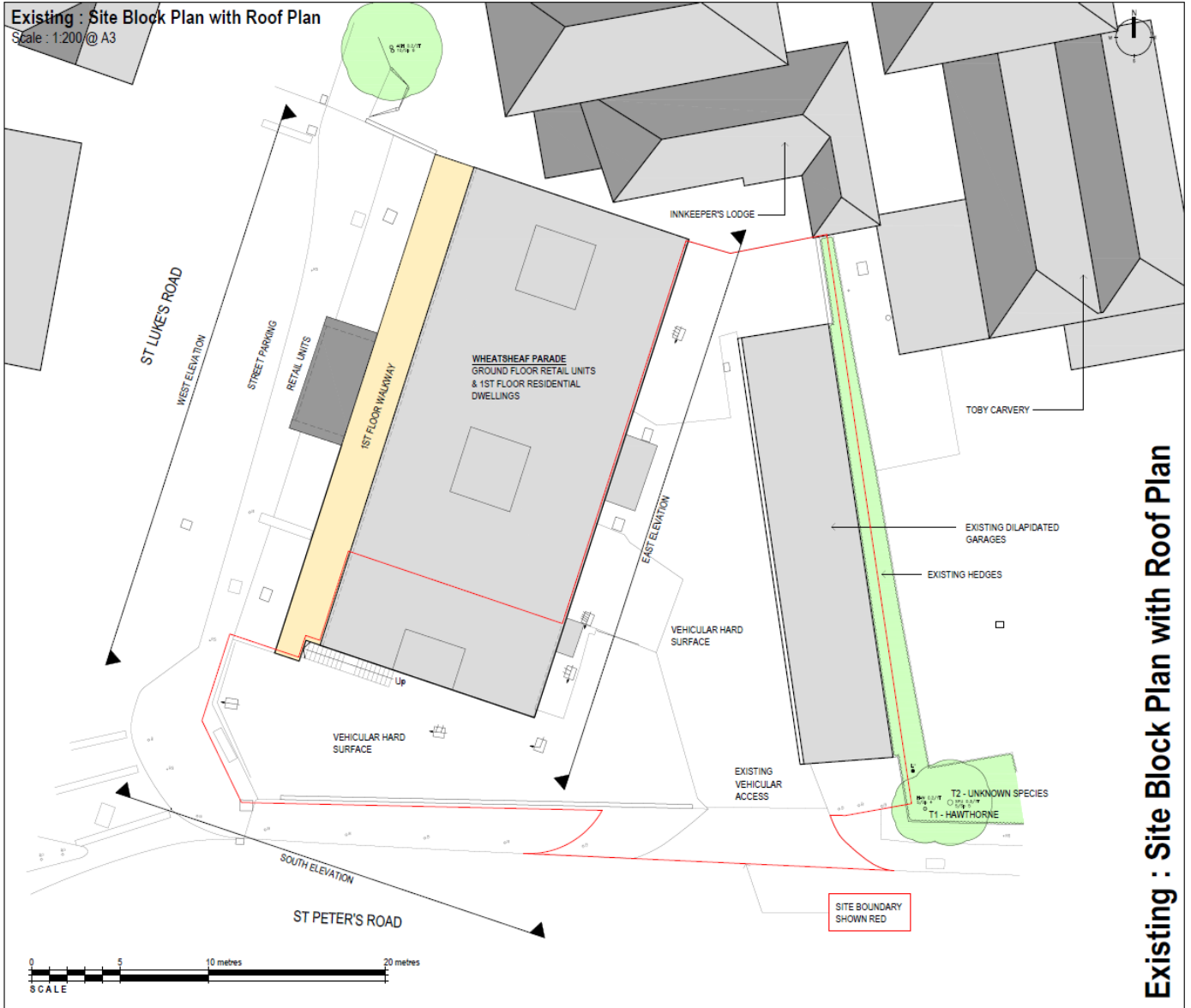
## Existing : Location Plan

Scale : 1:1250 @ A3

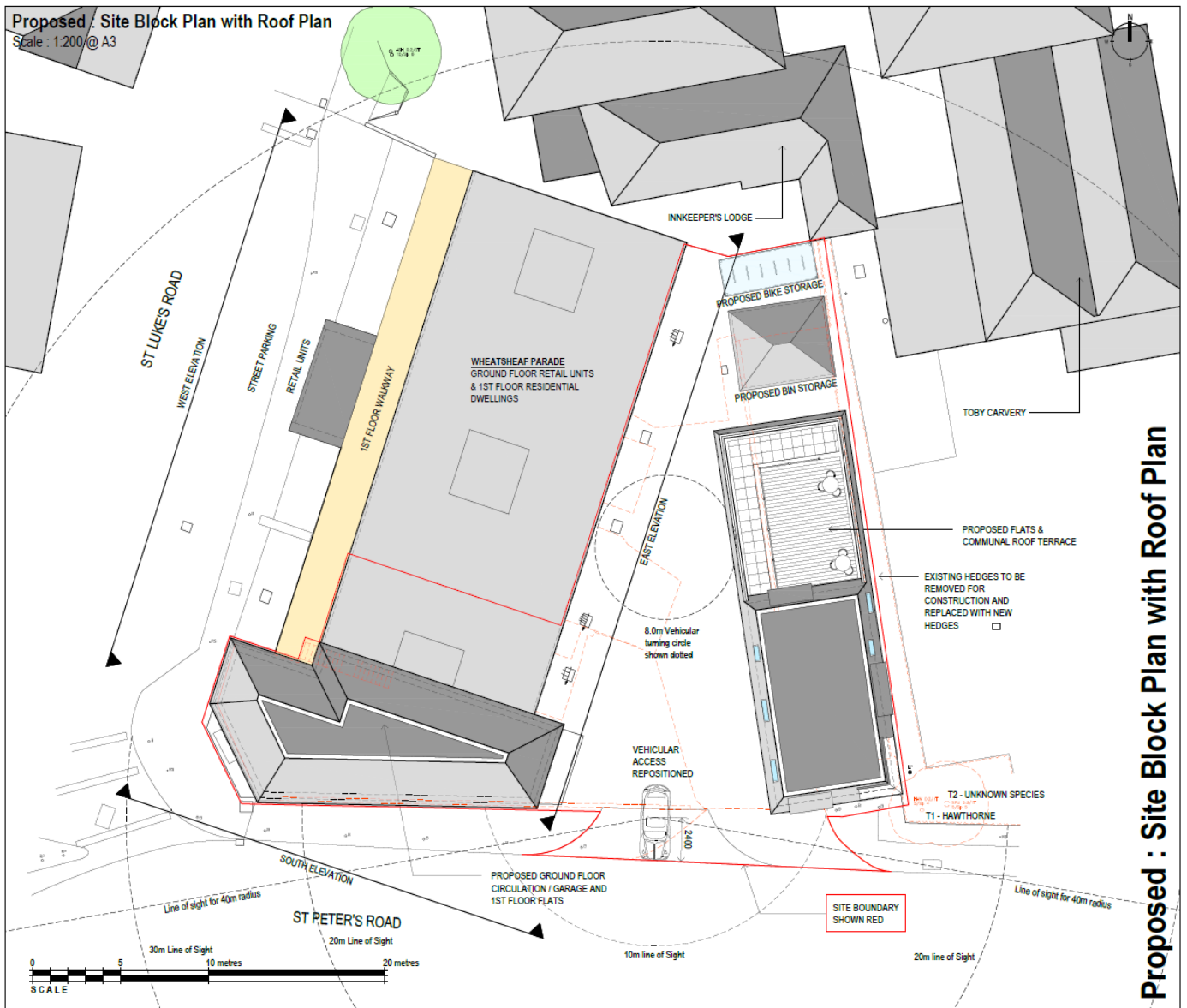


# Appendix B—Plan and elevation drawings

## Existing site plan



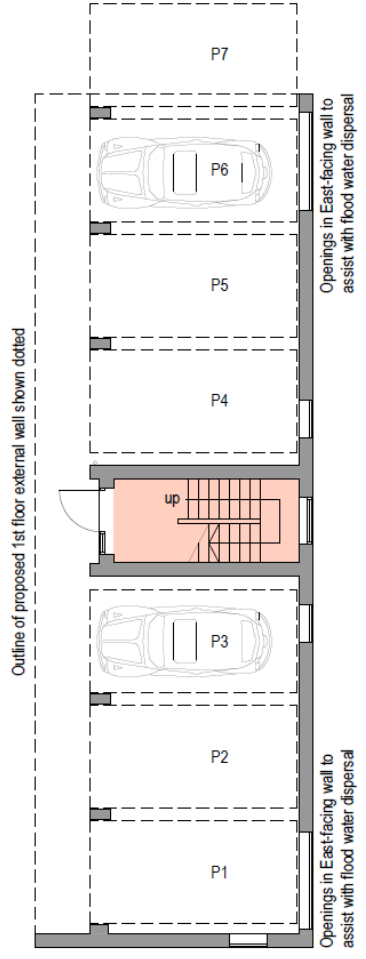
# Proposed site plan



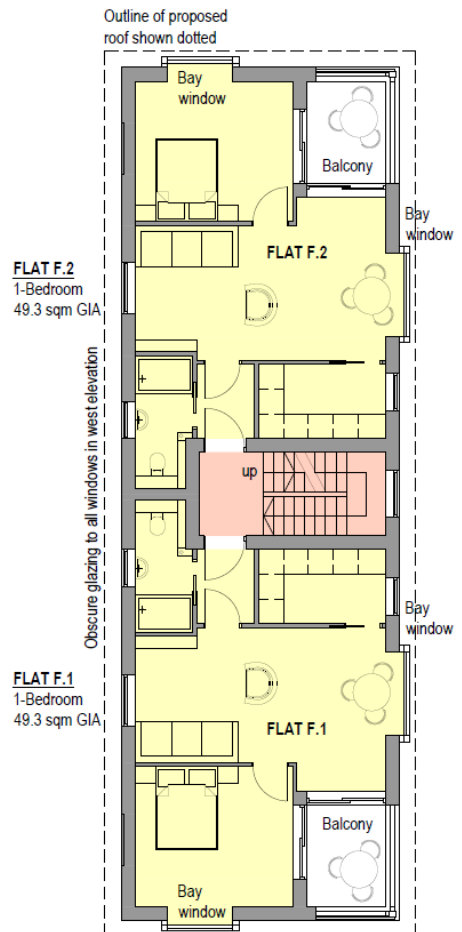
# Proposed floor plans

## Proposed : Floor Plans - Garage Replacement Flats

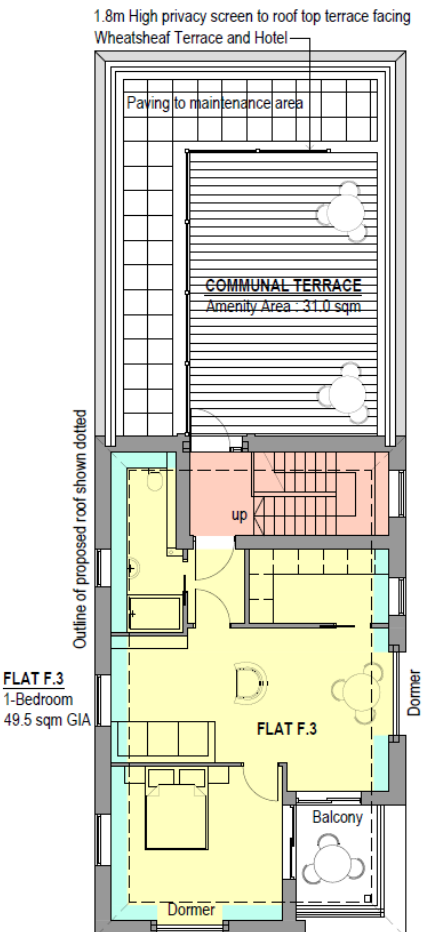
Scale : 1:100 @ A3



PROPOSED GROUND FLOOR



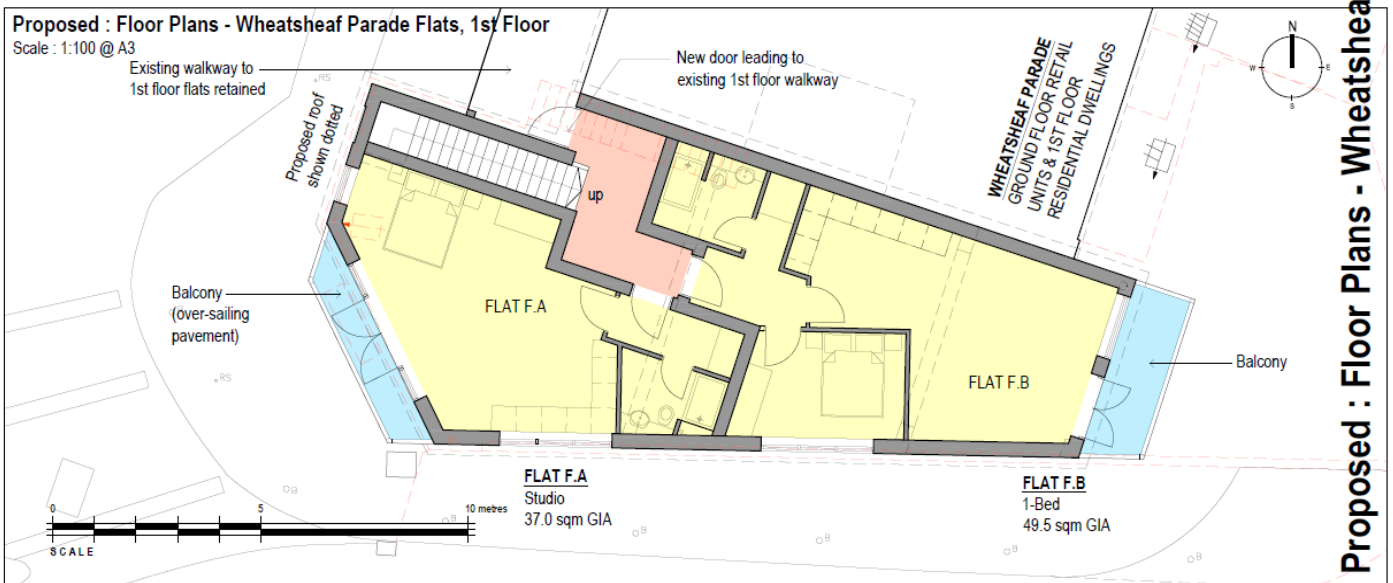
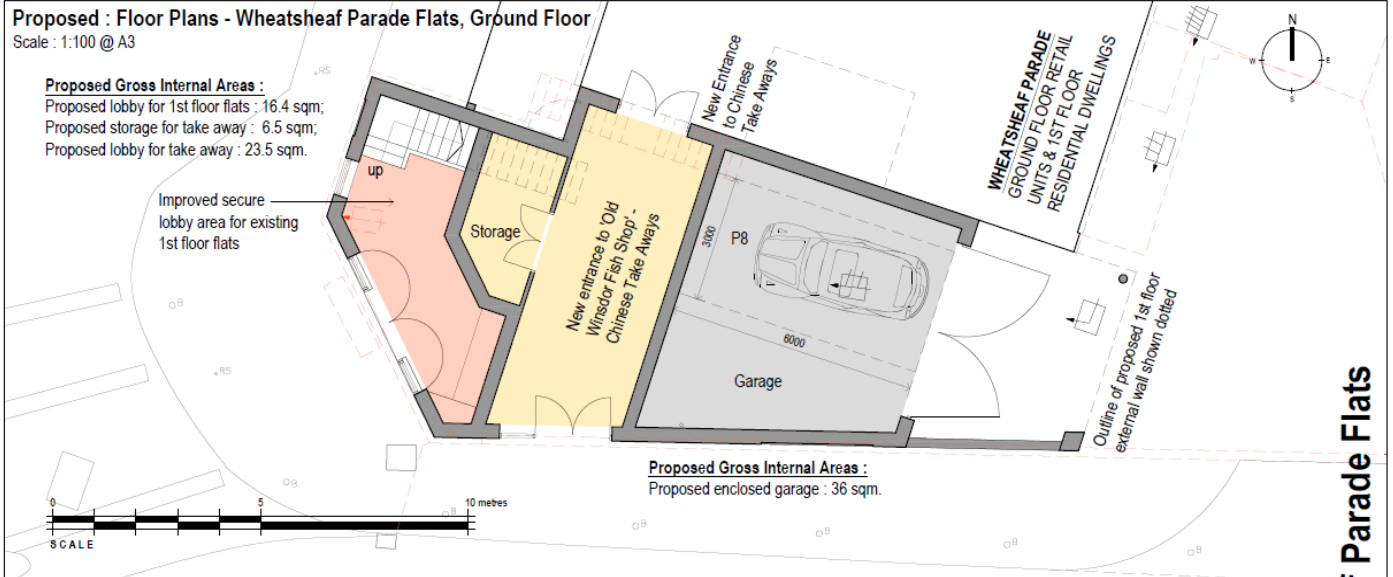
PROPOSED 1ST FLOOR



PROPOSED 2ND FLOOR

Proposed : Floor Plans - Garage Replacement Flats

# Proposed floor plans

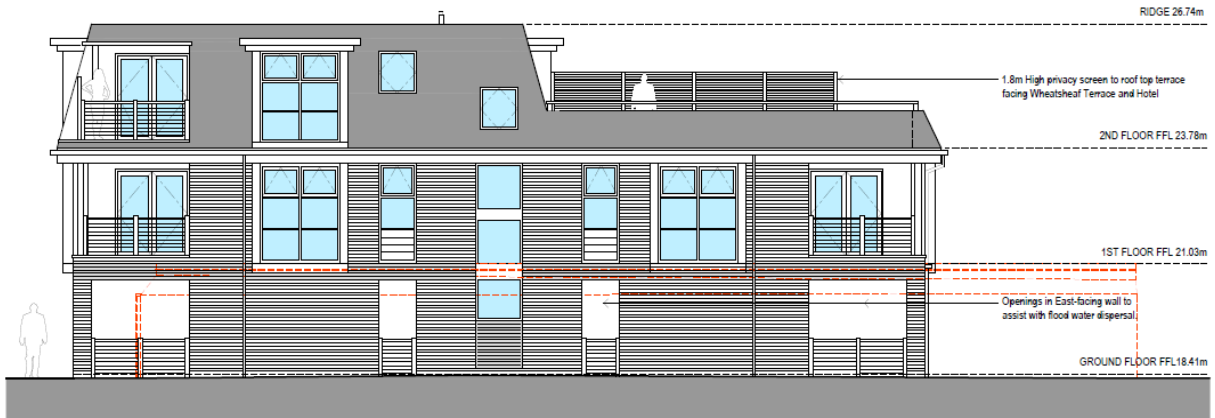


Proposed : Floor Plans - Wicketsheaf Parade Flats

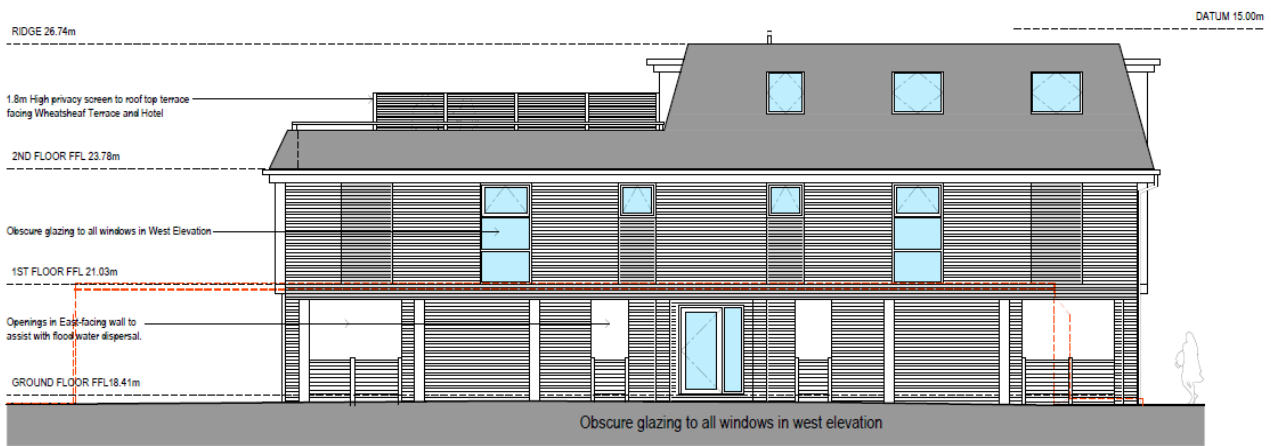
# Proposed elevations

## Proposed : Elevations - Replacement Garage Flats, Sheet 01

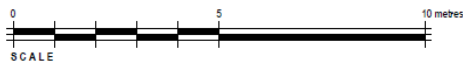
Scale : 1:100 @ A3



EAST ELEVATION



WEST ELEVATION



DATUM 15.00m

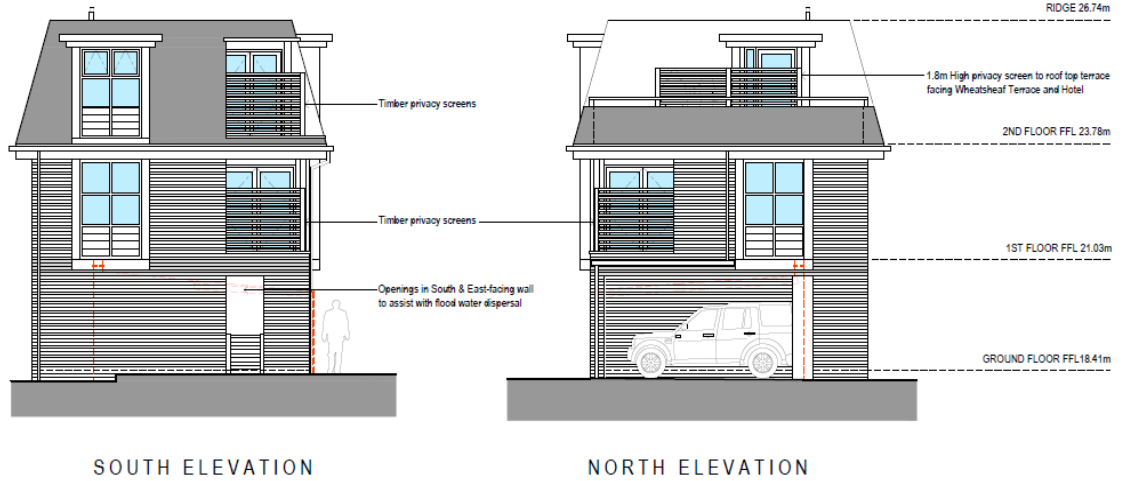
Proposed : Elevations - Replacement Garage Flats, Sheet 01



# Proposed elevations

## Proposed : Elevations - Replacement Garage Flats, Sheet 02

Scale : 1:100 @ A3



SOUTH ELEVATION

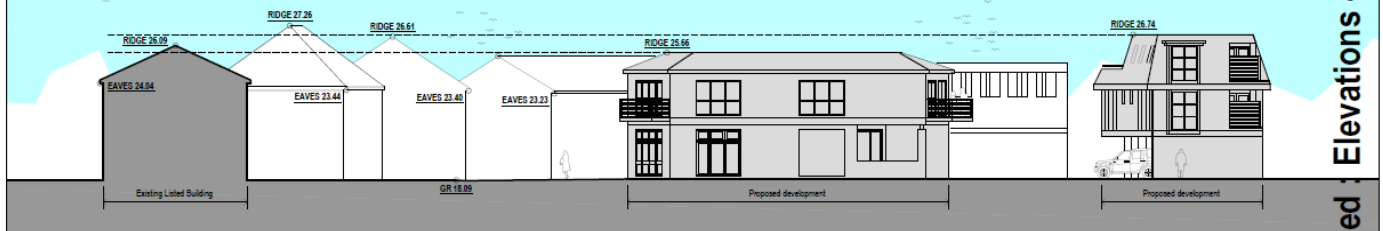
NORTH ELEVATION

DATUM 15.00m



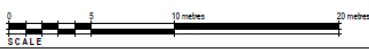
## Proposed : Street Scene

Scale : 1:250 @ A3



DATUM 15.00

PROPOSED STREET SCENE AS SEEN FROM ST PETER'S ROAD



Proposed : Elevations - Replacement Garage Flats, Sheet 02 & Street Scene

# Proposed elevations



# Proposed elevations

## Proposed : Elevations - Wheatsheaf Parade Flats, Sheet 02

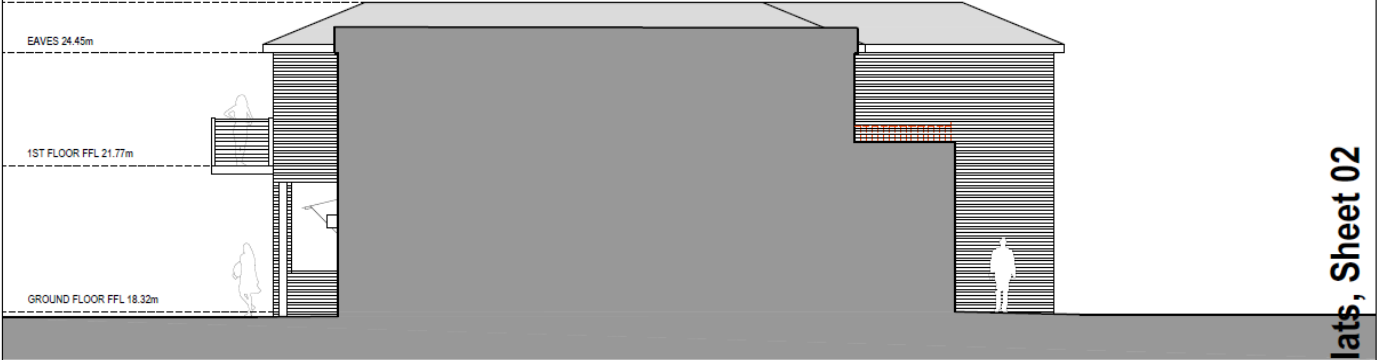
Scale : 1:100 @ A3

RIDGE 25.65m

EAVES 24.45m

1ST FLOOR FFL 21.77m

GROUND FLOOR FFL 18.32m



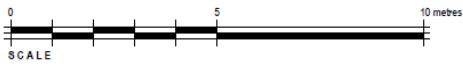
NORTH ELEVATION

DATUM 15.00m



WEST ELEVATION

DATUM 15.00m



Proposed : Elevations - Wheatsheaf Parade Flats, Sheet 02

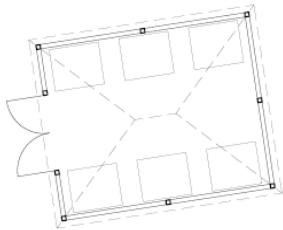
# Proposed bin and cycle store

## Proposed : Bin Store and Cycle Shelter

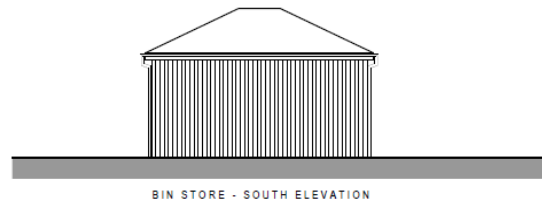
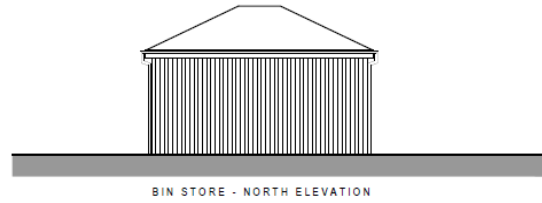
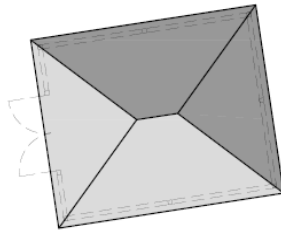
Scale : 1:100 @ A3



BIN STORE  
GROUND FLOOR PLAN



BIN STORE  
ROOF PLAN



Proposed : Cycle Shelter  
FalcoQuarter Cycle Shelter - 5.0m x 2.0m x 2.1m  
Galvanised steel framing with polycarbonate sheet cladding.



Proposed : Bin Store and Cycle Shelter



## Appeal Decision Report

26 July 2019 - 22 August 2019

### WINDSOR

**Appeal Ref.:** 19/60047/REF      **Planning Ref.:** 18/00311/FULL      **Plns Ref.:** APP/T0355/W/19/3220196

**Appellant:** Mr Mike Scott Ashley Homes Ltd Corner Oak Weybridge Park Weybridge KT13 8SH

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

**Description:** Erection of 2 No. detached dwellings with associated garaging, parking and landscaping.

**Location:** **Land At Maryland Horse Gate Ride Ascot**

**Appeal Decision:** Dismissed      **Decision Date:** 16 August 2019

**Main Issue:** The Inspector considers that the development does not represent limited infilling and the development would be inappropriate development in the Green Belt. The inspector also concludes that the proposal would cause harm to the openness of the Green Belt. The inspector concludes that the development would cause harm to the character and appearance of the area due to its impact on trees. The inspector concludes that in the absence of an appropriate mechanism to secure a contribution at this time, that the proposed development does not make an adequate contribution towards affordable housing. The Inspector has not carried out an appropriate assessment with regards to the impact of the development on the Thames Basin Heaths SPA as the proposal is unacceptable for other reasons. The tilted balance was not applied as the Green Belt provisions contained within the Framework provide a clear reason for refusing the proposal. The inspector does not consider there to be any very special circumstances which outweigh the harm to the Green Belt and the other identified harm.

**Appeal Ref.:** 19/60055/REF      **Planning Ref.:** 17/03938/FULL      **Plns Ref.:** APP/T0355/W/18/3212847

**Appellant:** Mr Mark Perkins **c/o Agent:** Mr Thomas Rumble Woolf Bond Planning The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT

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

**Description:** Erection of equipment and maintenance store, together with car parking associated with proposed sport and recreation facilities

**Location:** **Land Rear of Datchet Pumping Station Horton Road Datchet Slough SL3 9HY**

**Appeal Decision:** Withdrawn      **Decision Date:** 13 August 2019

## Planning Appeals Received

26 July 2019 - 22 August 2019

### WINDSOR

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 PIns 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.:** 19/60073/REF      **Planning Ref.:** 18/02651/LBC      **PIns Ref.:** APP/T0355/Y/19/3229172  
**Date Received:** 12 August 2019      **Comments Due:** 16 September 2019  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Consent to undertake internal alterations to the lower ground floor comprising; replacement floor, close and fix shut the opening from WC to kitchen, reinstate basement/sink et al, drainage to a below-ground connector, reconnect waste pipes, wall removal, enlarge existing openings to stair, alterations to existing joinery/and existing spindles.  
**Location:** **6 Queens Terrace Kings Road Windsor SL4 2AR**  
**Appellant:** Mr John Clark **c/o Agent:** Mr Robert Wilson Granit Chartered Architects Unit 18 - 19 16 Porteus Place London SW4 0AS

**Ward:**  
**Parish:** Sunningdale Parish  
**Appeal Ref.:** 19/60077/REF      **Planning Ref.:** 19/00351/FULL      **PIns Ref.:** APP/T0355/W/19/3234314  
**Date Received:** 21 August 2019      **Comments Due:** 25 September 2019  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Replacement dwelling  
**Location:** **Garden Cottage Dry Arch Road Sunningdale Ascot SL5 0DB**  
**Appellant:** Mr Candido Rodrigues **c/o Agent:** Mr Richard Simpson RJS Planning 132 Brunswick Road London W5 1AW

By virtue of paragraph(s) 6b of Part 1 of Schedule 12A of the Local Government Act 1972.

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