

NOTICE  
OF  
MEETING

**WINDSOR AREA DEVELOPMENT  
MANAGEMENT PANEL**

will meet on

**WEDNESDAY, 8TH JANUARY, 2020**

**At 7.00 pm**

in the

**CONFERENCE ROOM - YORK HOUSE, WINDSOR**

TO: MEMBERS OF THE WINDSOR AREA DEVELOPMENT MANAGEMENT PANEL

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

SUBSTITUTE MEMBERS

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

Karen Shepherd – Head of Governance - Issued: 23 December 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

Accessibility - Members of the public wishing to attend this meeting are requested to notify the clerk in advance of any accessibility issues

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## AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<p><u>APOLOGIES FOR ABSENCE</u></p> <p>To receive any apologies for absence.</p>	
2.	<p><u>DECLARATIONS OF INTEREST</u></p> <p>To receive any Declarations of Interest.</p>	7 - 8
3.	<p><u>MINUTES</u></p> <p>To confirm the minutes of the previous meeting.</p> <p><u>PLANNING APPLICATIONS (DECISION)</u></p> <p>To consider the Head of Planning's report on planning applications received.</p> <p>Full details on all planning applications (including application forms, site plans, Objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module at <a href="http://www.rbwm.gov.uk/pam/search.jsp">http://www.rbwm.gov.uk/pam/search.jsp</a></p> <p><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></p>	9 - 14
4.	<p><u>19/00063/FULL - STEVENS YARD, KIMBERS LANE FARM, OAKLEY GREEN ROAD, WINDSOR SL4 4QF</u></p> <p><b>Proposal:</b> Extension to existing maintenance building and showman's store</p> <p><b>Recommendation:</b> PERM</p> <p><b>Applicant:</b> Mr Stevens – PWS Rides Ltd</p> <p><b>Member Call-in:</b> Cllr Coppinger</p> <p><b>Expiry Date:</b> 22 January 2020</p>	15 - 30
5.	<p><u>19/01555/FULL - DATCHET COMMON, HORTON ROAD, DATCHET, SLOUGH</u></p> <p><b>Proposal:</b> Change of use of land to the stationing/parking of motor vehicles and siting of a porta-cabin (retrospective).</p>	31 - 44

	<p><b>Recommendation:</b> REF</p> <p><b>Applicant:</b> Mssrs Loveridge and Giles</p> <p><b>Member Call-in:</b> Cllr Muir</p> <p><b>Expiry Date:</b> 2 September 2019</p>	
6.	<p><u>19/02007/FULL - LEGOLAND WINDSOR RESORT, WINKFIELD ROAD, WINDSOR SL4 4AY</u></p> <p><b>Proposal:</b> Redevelopment of Adventure Land including the erection of new buildings, ride and play equipment, hard and soft landscaping with associated infrastructure, following demolition of various existing buildings.</p> <p><b>Recommendation:</b> PERM</p> <p><b>Applicant:</b> Legoland Windsor Park Ltd</p> <p><b>Member Call-in:</b> N/A</p> <p><b>Expiry Date:</b> 18 October 2019</p>	45 - 76
7.	<p><u>19/02017/FULL - LAND AT DATCHET COMMON, HORTON ROAD, DATCHET, SLOUGH</u></p> <p><b>Proposal:</b> Use of the land as a Gypsy and Traveller site consisting of 9no. residential pitches 5no. Amenities blocks, 1no. Warden blocks, play area, entrance gates and associated parking.</p> <p><b>Recommendation:</b> REF</p> <p><b>Applicant:</b> Mssrs Giles and Loveridge</p> <p><b>Member Call-in:</b> Cllr Larcombe</p> <p><b>Expiry Date:</b> 1 November 2019</p>	77 - 102
8.	<p><u>19/02073/FULL - THAMES VALLEY ATHLETICS CENTRE, POCOCKS LANE, ETON, WINDSOR SL4 6HN</u></p> <p><b>Proposal:</b> Side extension to the existing building to provide an additional squash court</p> <p><b>Recommendation:</b> REF</p> <p><b>Applicant:</b> Mr Fenwick</p> <p><b>Member Call-in:</b> N/S</p> <p><b>Expiry Date:</b> 29 October 2019</p>	103 - 120
9.	<p><u>19/02733/FULL - 63 THE AVENUE, WRAYSBURY, STAINES TW19 5EY</u></p>	121 - 136

**Proposal:** Application for demolition of existing dwelling and outbuilding and replacement with new four bedroom dwelling and car port using existing access

**Recommendation:** REF

**Applicant:** Mr Marston

**Member Call-in:** Cllr Bateson

**Expiry Date:** 29 November 2019

10.

ESSENTIAL MONITORING REPORTS (MONITORING)

137 - 142

To note the Essential Monitoring reports.



## **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, 4 DECEMBER 2019

PRESENT: Councillors Christine Bateson, David Cannon (Chairman),  
Wisdom Da Costa, Jon Davey, Karen Davies, David Hilton, Neil Knowles,  
Julian Sharpe, Shamsul Shelim and Amy Tisi

Also in attendance: Councillors Carole Da Costa and Helen Price

Officers: Andy Carswell, Victoria Gibson, Adam Jackson, Rachel Lucas and Ashley Smith

### APOLOGIES FOR ABSENCE

Apologies were received from Cllr Bowden.

### DECLARATIONS OF INTEREST

**Cllr Da Costa** – declared a personal interest in items 7 and 8 as he knew the registered speakers. He stated that he was attending Panel with an open mind.

**Cllr Hilton** – declared a personal interest in items 4 and 6 as his wife was a member of Sunninghill and Ascot Parish Council, which had considered both applications. In addition he stated that he had been a parish councillor when item 4 was discussed. He stated that he was attending Panel with an open mind.

**Cllr Davey** – declared a personal interest in item 7 as he knew the registered speaker. He stated that he was attending Panel with an open mind.

**Cllr Bateson** – declared a personal interest in item 11 as her husband had received a pension from British Airways Trust Ltd, and the receipts had passed to her following his death. She stated that the proposals would not affect her pension in any way, and stated that she had been advised she would be able to take part in the discussions on this item.

**Cllr Tisi** – declared a personal interest in item 8 in that she had previously discussed her opinions on the allocation of sites in the Borough Local Plan, including this application site, although this was before she had been elected as a councillor. She stated that she was attending Panel with an open mind.

**Cllr Sharpe** – stated for the purposes of openness and clarity that his wife was chairman of Sunninghill and Ascot Parish Council, although he had no involvement with this council.

### MINUTES

**RESOLVED UNANIMOUSLY: That the minutes of the meeting held on November 6<sup>th</sup> 2019 be approved.**

### ORDER OF BUSINESS

**RESOLVED UNANIMOUSLY: That the order of business as detailed in the agenda be varied.**

19/01755/FULL - SQUIRES GARDEN CENTRE, MAIDENHEAD ROAD, WINDSOR

<p><b>19/01755/FULL</b></p> <p><b>Squires Garden Centre, Maidenhead Road, Windsor SL4 5UB</b></p>	<p><b>Erection of 37 dwellings including the re-location of existing access along Maidenhead Road with associated parking, internal circulation, public open space, landscaping and related infrastructure.</b></p> <p>A motion to refuse the application for the reasons listed in Section 13 of the officer report, and for the additional reason that the design, bulk and scale of the proposals and the layout of the landscaping was contrary to policy DG1 and paragraph 127 of the NPPD, was proposed by Cllr Hilton. This was seconded by Cllr Davey.</p> <p><b>The Panel voted unanimously to REFUSE the application, subject to the wording of the additional reason for refusal being agreed between Cllr Hilton, the Chairman, and the Head of Planning.</b></p> <p>A motion to refuse the application, but without any additional reasons for refusal, was proposed by Cllr Davey but was not seconded.</p> <p>(The Panel was addressed by Martin Hall, objector, and Geoff Wilde, on behalf of the agent)</p>
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19/01513/FULL - SG AUTOPOINT, 437 - 441 ST LEONARDS ROAD, WINDSOR SL4

3DT

<p><b>19/01513/FULL</b></p> <p><b>S G Autopoint, 437 - 441 St Leonards Road, Windsor SL4 3DT</b></p>	<p><b>Construction of 50 bedroom hotel</b></p> <p>A motion to refuse the application, for the reasons listed in Section 13 of the officer report with the exception of reason 1, which should be removed, was proposed by Cllr Tisi. This was seconded by Cllr Hilton.</p> <p><b>The Panel voted unanimously to REFUSE the application.</b></p> <p>(The Panel was addressed by David Rennie, objector, Tudor Marsden-Huggins, the applicant, and Andrew Ransome, on behalf of the agent.)</p>
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19/01714/FULL - SITE OF FORMER 61 TO 63 DEDWORTH ROAD, WINDSOR SL4

5AZ

<p><b>19/01714/FULL</b></p> <p><b>Site of Former 61 To 63 Dedworth Road, Windsor SL4 5AZ</b></p>	<p><b>Mixed use development with retail unit at ground floor and 13 x apartments above, with access, car parking, servicing and landscaping following demolition of existing buildings (Part Retrospective)</b></p> <p>A motion to approve the application, subject to the conditions listed in section 13 of the officer report, was proposed by Cllr Bateson. This was seconded by Cllr Cannon.</p> <p>A named vote was carried out. Three Councillors voted in favour of the motion; three Councillors voted against the motion; and four Councillors abstained. The Chairman used his casting vote in favour of approving the application.</p>
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	<p><b>The Panel voted to APPROVE the application.</b></p> <p>(The Panel was addressed by Andrew Middleton, objector, David Lomas, on behalf of the agent, and Councillor Mrs Da Costa)</p>
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19/01464/FULL - HENLY AND BEHARRAL HOUSES & LYNWOOD COURT, LYNWOOD VILLAGE, RISE ROAD, ASCOT

<p><b>19/01464/FULL</b></p> <p><b>Henly And Beharral Houses And Lynwood Court, Lynwood Village, Rise Road, Ascot</b></p>	<p><b>Construction of 4 two-bedroom extra care units, additional staff/resident parking and revised refuse storage/collection facilities, following the demolition of 2 residential blocks (44 residential units) and the alteration of the internal floor space of the existing care home to increase the number of care bedrooms from 93 to 102.</b></p> <p>A motion to approve the application, subject to the conditions listed in section 13 of the officer report, was proposed by Cllr Bateson. This was seconded by Cllr Shelim.</p> <p>A named vote was carried out. Nine Councillors voted in favour of the motion and one Councillor voted against the motion.</p> <p><b>The Panel voted to APPROVE the application.</b></p> <p>(The Panel was addressed by Robin Wood on behalf of the Parish Council, and John Sneddon on behalf of the agent.)</p>
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19/01701/FULL - SANDRIDGE HOUSE, INCLUDING THE COTTAGE & THE BUNGALOW, LONDON ROAD, ASCOT

<p><b>19/01701/FULL</b></p> <p><b>Sandridge House Including The Cottage And The Bungalow, London Road, Ascot</b></p>	<p><b>33 No. dwellings, with associated parking and landscaping following demolition of existing buildings.</b></p> <p>A motion to refuse the application, as per the reasons listed in section 12 of the officer report but subject to reason 1 being amended to say chapter 127 of the NPPF, was proposed by Cllr Sharpe. This was seconded by Cllr Knowles.</p> <p><b>The Panel voted unanimously to REFUSE the application.</b></p> <p>(The Panel was addressed by Robert Lester, objector, and Robin Wood, on behalf of the Parish Council.)</p>
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19/01924/FULL - 9-11 IMPERIAL ROAD WINDSOR

<p><b>19/01924/FULL</b></p> <p><b>9-11 Imperial Road, Windsor</b></p>	<p><b>Construction of x2 houses and x14 apartments following demolition of the existing buildings</b></p> <p>A motion to approve the application, subject to the conditions listed in section 13 of the officer report, was proposed by Cllr Knowles. This was seconded by Cllr Bateson.</p> <p>A named vote was carried out. Eight Councillors voted in favour of the motion; one Councillor voted against the motion;</p>
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	and one Councillor abstained. <b>The Panel voted to APPROVE the application.</b> (The Panel was addressed by Glen Batchelar, objector.)
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## CONTINUATION OF MEETING

At this point in the meeting, and in accordance with Rule of Procedure Part 4A C25.1 of the council's constitution, the Chairman called for a vote in relation to whether or not the meeting should continue, as the time had exceeded 9.30pm.

Upon being put to the vote, those present voted in favour of the meeting continuing.

**RESOLVED UNANIMOUSLY: that the meeting continue after 9.30pm to conclude the outstanding business on the agenda.**

### 19/02073/FULL - THAMES VALLEY ATHLETICS CENTRE, POCOCKS LANE, ETON, WINDSOR SL4 6HN

<b>19/02073/FULL</b>  <b>Thames Valley Athletics Centre, Pockocks Lane, Eton, Windsor SL4 6HN</b>	<b>Side extension to the existing building to provide and additional squash court</b>  The Panel agreed to defer the item to the next meeting, in order to clarify the acceptability of the flood voids at the application site.  (The Panel was addressed by Grant Price, on behalf of the applicant.)
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Cllr Davies left the meeting at 10pm.

### 19/02416/FULL - WINDSOR DIALS, ARTHUR ROAD, WINDSOR SL4 1RS

<b>19/02416/FULL</b>  <b>Windsor Dials, Arthur Road, Windsor SL4 1RS</b>	<b>Alterations to the existing roof structures to create an additional office floor, creation of new entrance lobbies and core areas and refurbishment of the elevations and public realm to buildings 1 and 2 Windsor Dials.</b>  A motion to approve the application, subject to the conditions listed in section 12 of the officer report, was proposed by Cllr Shelim. The motion was seconded by Cllr Davey.  <b>The Panel voted unanimously to APPROVE the application.</b>  (The Panel was addressed by Chris Moore, on behalf of the agent.)
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## ESSENTIAL MONITORING REPORTS (MONITORING)

Members noted the contents of the reports.

The meeting, which began at 7.00 pm, finished at 10.07 pm

CHAIRMAN.....

DATE.....

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## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

### DEVELOPMENT CONTROL PANEL

8 January 2020

Item: 4

<b>Application No.:</b>	19/00063/FULL
<b>Location:</b>	Stevens Yard Kimbers Lane Farm Oakley Green Road Oakley Green Windsor SL4 4QF
<b>Proposal:</b>	Extension to existing maintenance building and showman's store
<b>Applicant:</b>	Mr Stevens - PWS Rides Ltd
<b>Agent:</b>	Mr Philip Watts
<b>Parish/Ward:</b>	Bray Parish/Bray Ward
<b>If you have a question about this report, please contact:</b> Antonia Liu on 01628 796034 or at <a href="mailto:antonia.liu@rbwm.gov.uk">antonia.liu@rbwm.gov.uk</a>	

#### 1. SUMMARY

- 1.1 It is established that the lawful use of the land is for the purposes of maintenance and storage of travelling showmen's equipment; ancillary repair and parking of lorries, rides and caravans; use of the paddock for equestrian purposes; and use for the stationing of caravans / mobile homes for residential purposes. The proposal is for extension to an existing maintenance and storage building adjacent to the eastern boundary of the site to create a second maintenance unit.
- 1.2 Following negotiation, the proposed footprint of the extension has been reduced by 208m<sup>2</sup> and the overall volume by 1501m<sup>3</sup>.
- 1.3 The proposal is considered to be inappropriate development in the Green Belt in accordance with paragraph 145 of the NPPF. However, it is considered that there is a case of very special circumstances that would justify the development.
- 1.4 It is considered that there is no undue harm to existing trees on site; character and appearance of the site and local surrounds; neighbouring amenity; highway safety and parking; flood risk and sustainable drainage and ecology.
- 1.5 In accordance with paragraph 11 of the NPPF, the tilted balance is engaged. For decision making this means approving development proposals 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. However, such assessment are considered to be academic as Officers are of the view that if this application is determined in accordance with the normal test under section 38(6) of the 2004 Act the proposal is in general conformity with the Development Plan overall and that there are no material considerations of sufficient weight to justify refusal.

<b>It is recommended the Panel grants planning permission with the conditions listed in Section 13 of this report.</b>
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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
- At the request of Councillor Coppinger if the recommendation is to grant the application to ensure that the increase in size is acceptable within the Green Belt

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

- 3.1 The site measures approximately 4.4ha and comprises of a residential dwelling, outbuildings and hardstanding located at the southern end of the site with open grassland to the north. Following an enforcement appeal public inquiry (ref: APP/T0355/C/14/2226708 and APP/T0355/X/14/2227138, April 2016) it was established that the lawful use of the land was for purposes of maintenance and storage of travelling showmen's equipment; ancillary repair and parking of lorries, rides and caravans; use of the paddock for equestrian purposes; and use for the stationing of caravans / mobile homes for residential purposes.
- 3.2 Access to the site is via a single track lane measuring approximately 220m in length leading off Oakley Green Road, a classified road (B3024). To the west of the site is a detached dwelling (Elmfield) while to the east is a cluster of buildings at Willow Farm in residential use including Willow Farmhouse which is a Grade II listed 16th century dwelling. Beyond these sites are arable fields. The site and immediate surrounds have been identified as a settled farmed sands and clays landscape character area in the Council's Landscape Character Assessment.

### 4. KEY CONSTRAINTS

- 4.1 The entire site is located in Metropolitan Green Belt and to the north, parallel to the northern boundary of the site, is a public footpath (Bray/52/3).

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

- 5.1 The proposal is for an extension to an existing maintenance and storage building adjacent to the eastern boundary. This maintenance and storage building was retrospectively approved in 2011, ref: 11/00537/FULL. During the course of this application the proposal has been amended by reducing the size of the extension and it is this scheme to be determined.
- 5.2 The proposal also includes the demolition of another maintenance and storage building which is located adjacent to the southern boundary. This building is subject to an appeal with the Planning Inspectorate against an Enforcement Notice for the material change of use to the land to a mixed use comprising a dwellinghouse, outbuildings and hardstanding. The requirements of the notice are to cease the use of land and building identified for the repair of vehicles and are now registered to the landowner or PWS Rides Ltd, removal of all vehicles from the land stored in connection with the vehicle repair business, and removal of all tools, apparatus, structures, containers and other vehicle maintenance paraphernalia from the land and building used in connection with the vehicle repair business.

5.3

Reference	Description	Decision
417173	Erection of a dwellinghouse and detached garage	Approved – 06.12.1985
417873	Use of land and buildings for the breeding and rearing of horses and ponies	Approved – 09.01.1986
89/01445/FULL	Erection of 12 stables with office, toilets and grooms quarters	Approved – 27.03.1990
92/01034/FULL	To erect two storey and single storey rear extensions	Approved – 18.08.1992
01/37876/CLU	Certificate of Lawfulness for mixed use comprising residential use and use for the storage for four fairground rides, four	Refused – 12.12.2002



	lorries and six caravans	
11/00537/FULL	Retention of an outbuilding and hardstanding area (used for the storage and repair of funfair rides and equipment)	Approved – 21.04.2011
12/02113/FULL	Change of use of part of agricultural land to hardstanding. Retrospective	Refused – 12.09.2012
14/01225/CLU	Certificate of Lawfulness to determine whether the existing use of the land as mixed use comprising residential use and ancillary storage of rides, lorries and caravans is lawful	Refused – 03.07.2014  Appeal Dismissed

## 6 DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Green Belt	GB1, GB2,
Character and Appearance	DG1, E10
Warehousing Development	E1
Highways	P4, T5
Trees	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 2 – Achieving Sustainable Development  
 Section 4 – Decision Making  
 Section 6- Building and Strong, Competitive Economy  
 Section 9 – Promoting Sustainable Transport  
 Section 12 – Achieving Well Designed Place  
 Section 13 – Protecting Green Belt Land

### National Design Guide

This document was published in October 2019 and seeks to illustrate how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The focus of the design guide is to look at layout, form, scale, appearance, landscape, materials and detailing. It further highlights ten characteristics which help which work together to create its physical Character, these are context, identify, built forms, movement, nature, public spaces, uses, homes and buildings, resources and life span.

### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Green Belt	SP1, SP5
Character and Appearance	SP2, SP3
Employment Use	ED1, ED3
Neighbouring Amenity	EP1, EP4
Sustainable Transport	IF2
Trees	NR2
Flood Risk	NR1

### **Borough Local Plan: Submission Version Proposed Changes (2019)**

Issue	Local Plan Policy
Green Belt	SP1, QP5
Character and Appearance	QP1, QP3
Employment Use	ED1, ED3
Neighbouring Amenity	EP1, EP4
Sustainable Transport	IF2
Trees	NR3
Flood Risk	NR1

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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.

These documents can be found at:

<https://www3.rbwm.gov.uk/blp>

### **Supplementary Planning Documents**

- RBWM Landscape Character Assessment

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

Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/201027/planning\\_guidance](https://www3.rbwm.gov.uk/info/201027/planning_guidance)

## **8. CONSULTATIONS CARRIED OUT**

## Comments from interested parties

4 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 21 March 2019 and the application was and the application was advertised in the Local Press on 28 March 2019.

2 letters were received objecting to the application, including the Oakley Green, Fifield and District Community Association, summarised below. An additional letter was received in relation to matters being dealt with under Enforcement and Appeal to the Planning Inspectorate ref: 16/50242/ENF. This has not been reported on.

Comment	Where in the report this is considered
The proposal is inappropriate development in the Green Belt and would have significant impact on openness due to scale, siting and design. No very special circumstances has been demonstrated.	Section 9(i) and (viii)
The scale of the proposed building is excessive and will have an adverse impact on the immediate environs	Section 9 (iii) and (iv)
Restrictions on use are ignored on a continuing basis, as are the restricted hours of work. The increase in activities will result in worsening noise and other nuisances.	Section 9 (iv)
The use and proposal is industrial in character, at odds with the rural / residential character of the area and the Green Belt.	Section 9 (iii)
Increase in flooding	Section 9 (vi)
There are a number of businesses and uses unlawfully operating on the site – a motor repair business for example, which the council have had to take action over.	An application should be determined on its own merits.

## Consultees

Consultee	Comment	Where in the report this is considered
Arboriculture Officer	Raises objections as building would incur into the Root Protection Area of T1 and T2 which are category B and A trees respectively, to the detriment of their health and longevity. There appears to be ample room on site to modify the layout to redefine the footprint to take it outside of the Root Protection Area.	(comments on original scheme) Section 9 (ii)
Bray Parish Council	Recommends refusal as the proposal represents inappropriate development in the Green Belt, and the scale, siting and design would impact on openness. The proposal fails to demonstrate that there are very special circumstances due that would outweigh the harm to the Green Belt.	(comments on original scheme) Section 9(i) and (viii)
Environmental Protection	No objection subject to conditions relating to restricting hours of maintenance and repair, construction hours, collection during construction and demolition; and informatives relating to dust and smoke control.	Section 9 (iv) and a condition relating to hours of maintenance is recommended. Hours of construction and collection during

		construction is included as an informative as they are not considered to pass the test of necessity for a planning condition.
Highways Consultant	No objection subject to conditions relating to a construction management plan and informatives relating to damage to footways and verges, damage to the highway, and no equipment materials on public highways.	Section 9 (v), and conditions recommended.
Lead Local Flood Authority	Clarification required on the increase in permeable area created as part of the proposal. It is also noted that the applicant has stated that surface water will be disposed of via a 'main sewer' but there is no public surface water sewer within the vicinity of the area, therefore clarification is also required on how surface water runoff will be dealt with.	Section 9 (vi)

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Green Belt
- ii Trees
- iii Character and Appearance
- iv Neighbouring Amenity
- v Highways Safety and Parking
- vi Flood Risk and Sustainable Drainage
- vii Ecology
- viii The Case for Very Special Circumstances
- ix Planning Balance

### **i Green Belt**

#### Appropriate Development

9.2 The entire site lies within the Metropolitan Green Belt and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 145 of the NPPF states that new buildings in the Green Belt would be regarded as inappropriate development with some exceptions. Local Plan policy GB1 also sets out appropriate development in the Green Belt. However, while the Development Plan comprises of the Local Plan, policy GB1 was prepared in accordance with the cancelled PPG2 Green Belts and not entirely consistent with the NPPF. Therefore, Local Plan policy GB1 should not be given full weight and the NPPF, as a more up-to-date expression of Government intent, should be given significant weight as a material consideration.

- 9.3 In this context, exception (c) listed in paragraph 145 of the NPPF is ‘the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building’. In this case the building to be extended has not been previously extended and the proposal would result in the following:

Footprint of Original Building	497 square metres	
Volume of Original Building	3694 cubic metres	
		<i>Percentage Increase</i>
Footprint of Extension	361 square metres	72%
Volume of Extension	2763 cubic metres	75%

- 9.4 It is generally considered that a 50% increase from the original building would be proportionate additional, which would equate to an extension with a footprint of approximately 249 square metres and a volume of approximately 1847 cubic metres, which the proposal exceeds. Therefore, the proposal would be a disproportionate extension over and above the original building and therefore inappropriate development in the Green Belt. Paragraph 143 of the NPPF states that inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is considered in section 9(viii) below.

#### Other Harm to the Green Belt

- 9.5 In terms of any other harm to the Green Belt, as inappropriate development in the Green Belt the proposal is by definition harmful to its openness, and considered to conflict with one of the purposes of the Green Belt, namely to assist in safeguarding the countryside from encroachment’ which forms the third purpose outlined in paragraph 134 of the NPPF.

#### **ii Trees**

- 9.6 Local Plan policy N6 states that new development should wherever practicable allow for the retention of existing trees, include appropriate tree planting and landscaping, and where the amenity value of trees outweigh the justification for development planning permission may be refused.
- 9.7 The Council’s Arboriculture Officer raised concerns over the original scheme as the original scheme infringed upon the root protection area (RPA) of T1 and T2 (Hybrid Black Poplar) which would damage the future viability of these two trees. T1 is identified as category B and T2 is identified as category A which is trees of notable quality. However, following negotiation and the reduction in footprint of the proposal it is considered that the proposal would not result in undue harm to T1 and T2. If minded to approve it is recommended that submission and approval of tree protection details and implementation are secured by condition.

#### **iii Character and Appearance**

- 9.8 Local Plan policy DG1 resists development which is cramped or which results in the loss of important features which contributes to local character. This policy accords with the NPPF which states that good design is a key aspect of sustainable development and indivisible from good planning, and planning permission should be refused for development of poor design that fails to take the opportunity available for improving the character and quality of an area and the way it functions.
- 9.9 The site lies within an area largely characterised by flat to gently undulating arable fields and pastureland, which is largely open and bounded by hedgerow and trees with urban ribbon development off Oakley Green Road. The proposed development is sited within the envelope of developed land, so would not lead to encroachment or expansion into the rural character beyond.

The scale of the proposed building is not considered to be overly dominant to the existing buildings on site, or disproportionate to the plot. The proposed building is also reflective of the form, design and materials of the existing maintenance and storage building which it is sited next to. Overall, it is considered to be in keeping with the site and its surrounds. The bulk of the site is set approximately 190m back from Oakley Green Road and due to this distance there is limited inter-visibility between the site and the public highway. As such, there would be no undue harm to the streetscene. There is a public footway running parallel to the northing boundary, but sited over 300m away. As such, it is not considered that the proposal would result in any undue harm to visual amenity of users of the public right of way.

#### **iv Neighbouring Amenity**

- 9.10 Paragraph 127 of the NPPF states that planning decisions should ensure that development achieves a high standard of amenity for existing and future users. The nearest neighbouring property is at Willow Farm to the east of the site at a distance of approximately 77m. To the south of the site are Braywood Cottages that front onto Oakley Green Road which are approximately 217m away. Given the separation distance, it is not considered that the proposed building would result in undue loss of light, visual intrusion or loss of privacy to these properties.
- 9.11 Concerns have been raised by local residents over noise and disturbance. The site comprise of land and buildings was for purposes of maintenance and storage of travelling showmen's equipment; ancillary repair and parking of lorries, rides and caravans. The proposal would result in an enlarged maintenance and storage area to enable a second ride to be worked on simultaneously and so there would be some small intensification of use. However, due to the size of the proposed building, it is not considered that the increase in activity together with the separation distance from the nearest neighbouring properties would result in undue noise and disturbance subject to a condition restricting hours of work of maintenance and repair within the building.
- 9.12 Local Residents have raised the issue of non-compliance with the lawful use of the site and hours of operation. It is advised that the enforcement process is the most appropriate way of dealing with non-compliance of such conditions, and refusal of this planning application on additional noise and disturbance on the basis of non-compliance with the existing development or potential non-compliance with the proposal development would be unreasonable.
- 9.13 The access would run adjacent to Braywood Cottages, but this is similarly true of the existing situation and it is not considered the proposal would result in an increase in trips to and from the site that would result in harm to neighbouring amenity (see section 9 (v)).

#### **v Highway Safety and Parking**

- 9.14 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards, policy P4 requires all development proposals to accord with adopted car parking standards. As a material consideration, paragraph 109 of the NPPF states that 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.

#### Trip Generation

- 9.15 There is no change in the existing use and, while the proposal would result in a small intensification of this use, due to the size of the proposal it is not considered to result in a significant number of additional movements in the context of the daily and seasonal fluctuations in flow which would result in a severe cumulative impact on the road network.

#### Access

- 9.16 There are no changes to the existing access to the site or significant change in the intensity of use, and so there are no concerns over highway safety that over and above the existing situation.

#### Parking

- 9.17 No parking layout has been submitted, but it is noted there would be sufficient space on site to accommodate requirements. As such, it is not considered that the proposal would result in indiscriminate parking on the public highway to the detriment of highway safety.

### **vi Flood Risk and Sustainable Drainage**

- 9.18 Paragraph 158 of the NPPF aims to steer development to areas with the lowest risk of flooding (sequential test). Paragraph 158 of the NPPF goes on to state that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. In accordance with the Flood Maps for Planning published by the Environment Agency, the proposal is located in Flood Zone 1, which is land assessed as having less than 1 in 1000 annual probability of river or sea flooding. As such, it is considered that the proposal is sited in an area with the lowest risk of flooding and therefore passes the sequential test.
- 9.19 Paragraph 159 of the NPPF states that if it is not possible for development to be located in zones with a lower risk of flooding, the exception test may have to be applied. With reference to Table 2: Flood Risk Vulnerability Classification in the NPPG, buildings used for general industry, storage and distribution is classed as less vulnerable and in accordance with Table 3: Flood Risk Vulnerability and Flood Zone Compatibility, less vulnerable development is appropriate in Flood Zone 1.
- 9.20 When determining any planning applications, paragraph 163 of the NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere. A Flood Risk Assessment has not been submitted. However, located in Flood Zone 1 the site has a less than 1 in 1000 annual probability of river or sea flooding, and the Council's Strategic Flood Risk Assessment confirms the site is not in an area susceptible to groundwater, sewer flooding and other sources. As such, the proposed site has a low risk of being affected by flooding. Furthermore, the proposal would result in only an increase of approximately 111sqm in footprint. While the proposal measures approximately, 361 square metres, the applicant also proposes to demolish an existing maintenance and storage building sited towards the southern boundary of the site, which had a footprint of approximately 250sqm.
- 9.21 Overall, given the low risk of flooding from coastal, fluvial or other sources, together with the proposed footprint and remaining undeveloped land within the site and wider surrounds, it is considered that the proposal is unlikely to have a significant impact on flood storage capacity or flood flows.
- 9.22 The Lead Local Flood Authority had requested confirmation on the increase in impermeable area created as part of the proposal, and clarification on how surface water runoff will be dealt. At the time of writing, no response from the applicant on this issue has been forthcoming. However, due to the size of the proposal and the amount of green space within the site it is considered that there is scope to accommodate a satisfactory sustainable drainage scheme. Therefore, in this particular case, if minded to approve it is recommended that a sustainable drainage scheme is secured by condition.

### **vii Ecology**

- 9.23 As a material consideration Paragraph 175 states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for

then planning permission should be refused. Furthermore, protecting and enhancing the natural environment forms part of the 'Environmental' dimension of 'Sustainable Development'.

9.24 The site lies within 5km and within the zone of influence of Windsor Forest and Great Park, a Special Area of Conservation (SAC) which is a European Designated site. The primary reason for designation is the significance of old acidophilous oak woods, range and diversity of saprophytic invertebrates, and fungal assemblages. The Natura 2000 data form for Windsor Forest and Great Park reports that the main threats relate to forest and plantation management and use; air pollution, invasive non-native species; and interspecific floral relations. Where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment to be made in view of that site's conservation objectives. Paragraphs 175 and 176 of the NPPF state that development resulting in the loss or deterioration of Special Areas of Conservation should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In this case due to the size of the proposal and distance of the proposal from the SAC it is not considered to have a significant effect on Windsor Forest and Great Park, therefore an appropriate assessment is not required.

#### **viii The Case for Very Special Circumstances**

9.25 It is considered that the proposal would not result in a proportionate addition over and above the original building. As outlined in section 9(i) it is generally considered that a 50% increase from the original building would be proportionate additional, which would equate to an extension with a footprint of approximately 249 square metres and a volume of approximately 1847 cubic metres. This is considered to be a reasonable fall-back position.

9.26 However, the applicant has also proposed to demolish an existing maintenance and storage building sited towards the southern boundary of the site. This building to be demolished has a footprint of approximately 250sqm and a volume of approximately 937 cubic metres.

9.27 The proposal would be comparable in volume to an increase of 50% of the original building and the allowance following the demolition of the existing maintenance and storage building sited towards the southern boundary of the site. The footprint of the proposal would be below the combined increase of 50% and allowance following demolition. This is summarised in the table below:

	Footprint	Volume
50% of original building	249 square metres	1847 cubic metres
Building to be demolished	250 square metres	937 cubic metres
Total	499 square metres	2784 cubic metres
The proposal	361 square metres	2763 cubic metres

9.28 Furthermore, considering the visual impact on openness, Local Plan policy GB2(a) states that the proliferation of small structures within a commercial holding will not normally be acceptable because of their harmful visual effect and where possible buildings within a single unit should be consolidated into one area. For this reason, the consolidation of development in one location and the reduction in the spread of development within the site is considered to be beneficial to the visual impact on openness.

9.29 Paragraph 143 of the NPPF states that inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC). Paragraph 144 of the NPPF states that VSC will not exist unless the



potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 9.30 In accordance with paragraph 144 of the NPPF substantial weight is given to any harm to the Green Belt. It is considered that there is no other harm from the development. However, given the fallback position of the 50% increase of the original building together with the allowance from the demolition of the existing maintenance and storage building to the south, and benefit to the visual impact on openness from the consolidation of development on site, it is considered that the harm to the Green Belt is outweighed by other considerations. Therefore, VSC has been established to justify the development.
- 9.31 As the proposal is only acceptable in the Green Belt and flood risk subject to the demolition of the exiting building to the south of the site, if minded to approve it is recommended that its demolition is secured by condition.

## **ix Planning Balance**

- 9.32 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:*

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *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:*
- i. 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*
  - ii. 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.*
- 9.33 Footnote 6 of the NPPF (2019) clarifies that section d(i) of paragraph 11 of the NPPF (2019) is not applied where '*policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*'. This includes land designated as Green Belt and areas at risk of flooding. For the reasons set out in section 9 (i) and (viii) it is considered that the proposed development is inappropriate development in Green Belt but there is no clear reason for refusing the proposed development on this basis. For the reasons set out in Section 9 (vi) it is considered that the site is not at risk of flooding. Accordingly, the so-called 'tilted balance' is engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

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

- 10.1 The Royal Borough of Windsor and Maidenhead implemented its Community Infrastructure Level (CIL) to help deliver the infrastructure needed to support development in the area in September 2016. In accordance with the adopted CIL charging schedule the development is CIL liable, but the chargeable rate is £0 per square metre.

## **11. CONCLUSION**

- 11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraph 9.5 it is considered that in the instance the tilted balance should be applied. For decision making this means approving development proposals unless 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. However, such assessment are considered to be academic. This is because for reasons set out above, Officers are of the view that if this application is determined in accordance with the normal test under

section 38(6) of the 2004 Act the proposal is in general conformity with the Development Plan overall and that there are no material considerations of sufficient weight to justify refusal.

## 12. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan
- Appendix B - Proposed Plans and Elevations
- Appendix C – Existing Building to be Demolished

## 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 The materials to be used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing building to be extended. The development shall be carried out in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1
- 3 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.  
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 4 Within one month of the substantial completion of the development the building shown to be removed on drawing ref: 753-501 shall be demolished in its entirety and all materials resulting from such demolition works shall be removed from the site.  
Reason: To prevent the undesirable consolidation of development on the site having regard to its Green Belt location. Relevant Policies - Local Plan GB1, GB2,
- 5 The new shed hereby approved shall be used only for the storage of funfair rides and equipment used/owned by travelling showpeople who live at this application site and for the ancillary repairs of such rides and equipment. The building shall be completely removed from the application site when it is no longer required for such purposes.  
Reason: In the interests of the amenities of neighbouring properties, and to safeguard the Green Belt from inappropriate uses. Relevant Policies Local Plan GB1, GB2, DG1.
- 6 Works of maintenance and repair within the building hereby approved shall take place only between the hours of 0800 and 1800 on Mondays to Fridays, between the hours of 0900 -1300 on Saturdays and at no time whatsoever on Sundays, Bank or Public Holidays.  
Reason: In the interests of the amenities of neighbouring properties
- 7 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 8 Works on site shall not commence until details of the proposed means of disposal of surface water drainage in line with the non-statutory technical standards for sustainable drainage systems have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved scheme of drainage.  
Reason: The works are required prior to the commencement to ensure that the site is

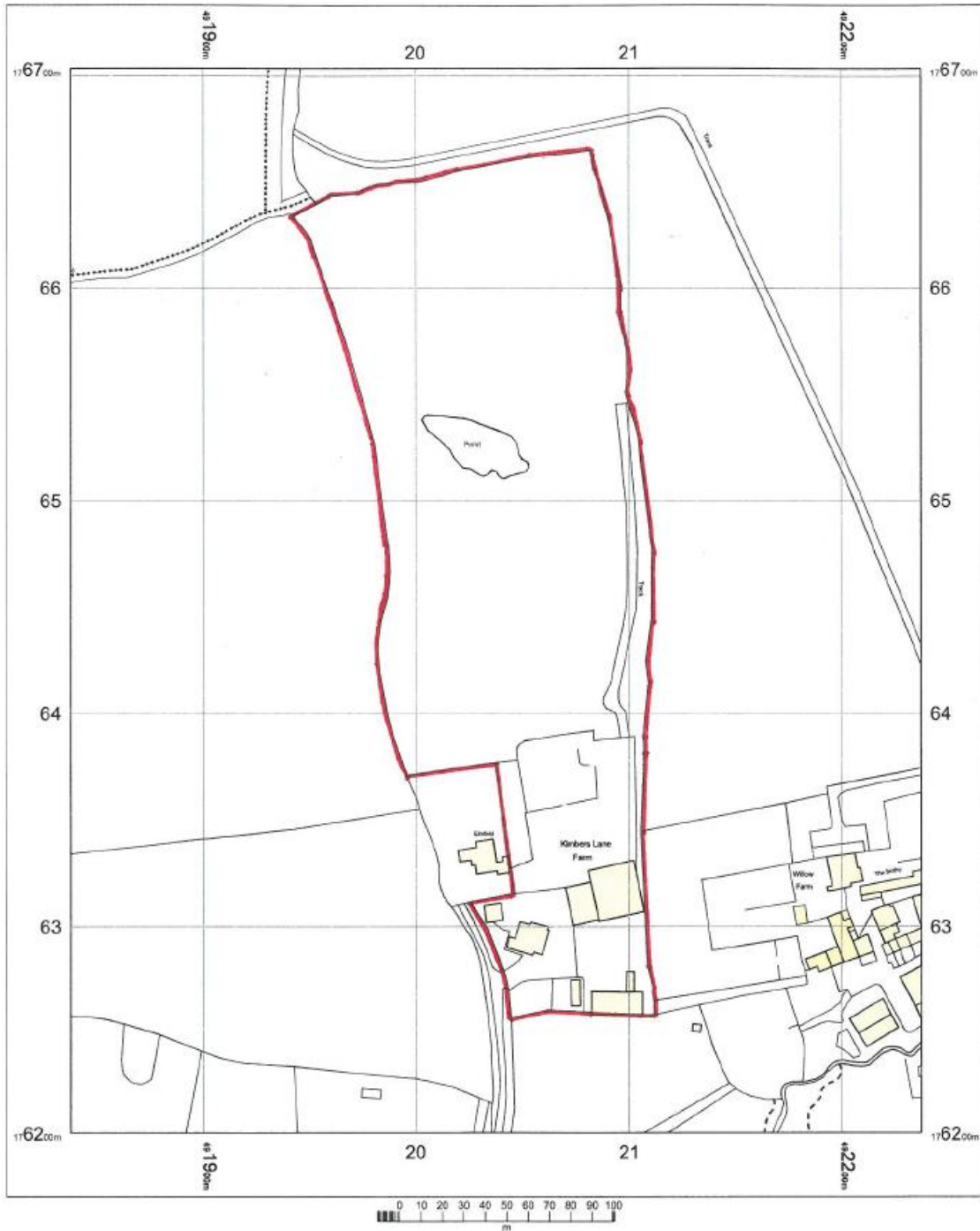
adequately drained and to prevent the risk of flooding in the locality and to comply with the NPPF.  
9 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

### **Informatives**

- 1 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 2 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 3 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
- 4 applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities. applicant should be aware the permitted hours of construction working in the Authority are as follows:  
- Friday 08.00 - 18.00  
08.00 - 13.00  
working on Sundays or Bank Holidays.
- 5 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 68 3830 and follow good practice.
- 6 There should be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays. Reason: To protect the amenity of the adjoining properties.

Appendix A – Site Location Plan



**KIMBERS LANE FARM**  
**OAKLEY GREEN ROAD**  
**OAKLEY GREEN**  
**SL4 4QF**

OS MasterMap 1250/2500/10000 scale  
 22 August 2016, ID: CM-00555198  
 www.centremapslive.co.uk  
 1:2500 scale print at A4, Centre: 492038 E, 176454 N  
 ©Crown Copyright and database rights 2016 DS  
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Appendix B – Proposed Floor Plans and Elevations

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**PROPOSED MAINTENANCE BUILDING**

Scale: 1:200 @ A1

1:000 2:000 3:000 4:000 5:000 6:000 7:000 8:000 9:000 10:000 11:000 12:000 13:000 14:000 15:000 METERS

**REVISIONS**

NO.	DATE	DESCRIPTION

**combined files**

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**PROJ#1**  
KIMBERS LANE FARM, OAKLEY GREEN ROAD,  
WINDSOR, SL4 4ZF

**PROJ#2**  
PROPOSED MAINTENANCE BUILDING

Drawn by	Checked by	Date
AG	ASPIRE	DEC 19

Drawing Number	Revision	Scale
733-S1E	C	1:200 @ A1

Sheet

**Site Location**  
NTS

**Proposed Front Elevation**  
SCALE 1:200 @ A1

**Proposed Rear Elevation**  
SCALE 1:200 @ A1

**Proposed Side Elevation**  
SCALE 1:200 @ A1

**Proposed Side Elevation**  
SCALE 1:200 @ A1

**Proposed Floor Plan**  
SCALE 1:200 @ A1

**PHOTO 1**  
1:000

**PHOTO 2**  
1:000

**PHOTO 3**  
1:000

**PHOTO 4**  
1:000

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DATE: 10/12/2018  
 SCALE: 1:100@A1

Site Location  
NTS

Existing Front Elevation  
SCALE 1:100@A1

Existing Rear Elevation  
SCALE 1:100@A1

Existing Side Elevation  
SCALE 1:100@A1

Existing Side Elevation  
SCALE 1:100@A1

Existing Floor Plan  
SCALE 1:100@A1

Existing Roof Plan  
SCALE 1:100@A1

Existing Front Elevation  
SCALE 1:100@A1

Existing Rear Elevation  
SCALE 1:100@A1

Existing Side Elevation  
SCALE 1:100@A1

Existing Side Elevation  
SCALE 1:100@A1

SCALE BAR 1:100@A1  
METERS

REVISION DATE IMAGINATION

Established 1993

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PROJECT		
Name	EXISTING STORAGE BUILDING	
Client	ALG	Date
Contractor	JBS/BE	Scale
Drawing Number	713-801	Date
Drawn		Scale
		1:100@A1

Plot No: WINDBOROUGH GREEN ROAD, WINDSOR, SL4 4ZF

## DEVELOPMENT CONTROL PANEL

8 January 2020

Item: 5

<b>Application No.:</b>	19/01555/FULL
<b>Location:</b>	Datchet Common Horton Road Datchet Slough
<b>Proposal:</b>	Change of use of land to the stationing/parking of motor vehicles and siting of a porta-cabin (retrospective).
<b>Applicant:</b>	Mssrs Loveridge And Giles
<b>Agent:</b>	Dr Angus Murdoch
<b>Parish/Ward:</b>	Datchet Parish/Datchet Horton And Wraysbury
<b>If you have a question about this report, please contact:</b> Victoria Goldberg on 01628 683551 or at <a href="mailto:victoria.goldberg@rbwm.gov.uk">victoria.goldberg@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 This item was deferred by members of Windsor Development Management Panel on 6<sup>th</sup> November to allow a members site visit to take place. Prior to this the item was withdrawn from the 6<sup>th</sup> October panel meeting by the Head of Planning as the agent requested some additional time in order to submit a Flood Risk Assessment. The Local Planning Authority and agent agreed a revised timetable which required a Flood Risk Assessment to be submitted by 17<sup>th</sup> October 2019. No flood risk assessment has been provided. The report as previously presented is set out below.
- 1.2 The proposed scheme represents an inappropriate form of development in the Green Belt as set out in national and local policy and would be contrary to one of the purposes of including land within the Green Belt namely to protect the countryside from encroachment. Additionally the scheme would result in an actual loss of openness both visually and spatially across the site.
- 1.3 The proposal would also fail to comply with both national and local flood policy, would cause harm to the rural character of the area and would cause an unacceptable level of noise and disturbance to nearby residents.
- 1.4 No objections are raised with regard to highway safety.

**It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 12 of this report):**

<b>1.</b>	<b>The proposal represents inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. The proposal will also result in a substantial negative impact on the openness of the Green Belt. No very special circumstances have been put forward that clearly outweigh the harm caused by reason of inappropriateness and the substantial impact on the openness of the Green Belt. Accordingly, the proposal is contrary to saved Policies GB1, GB2A of the Royal Borough of Windsor and Maidenhead Local Plan (June 2003), Policies SP1 and SP5 of the emerging Local Plan and Section 13 of the National Planning Policy Framework (February 2019).</b>
<b>2.</b>	<b>Part of the site is situated within flood zone 3b functional floodplain. The use has been classified as a less vulnerable use, and such a use is identified as inappropriate development within FZ3b. The applicant has also failed to submit a site-specific flood risk assessment as required by Section 14 of the National Planning Policy Framework.</b>

3.	The concentration of up to 67 densely parked cars and the siting of a porta-cabin in a relatively small area results in the urbanisation of this once open and rural piece of land. As such the proposed use will negatively impact on the lawful open rural character of the site contrary to saved policy DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (June 2003) and policy SP2 of the emerging Local Plan.
4.	The use of the land to station/park up to 67 vehicles will increase the level of activity on the site by virtue of the number of comings and goings. This will negatively affect the amenity of Mill House, Mill Cottage the properties on Mill Place that back onto the access road and the properties on Horton Road that back onto the site. The properties on Mill Place are positioned between three and four metres from the access road and as such vehicles accessing the site will be in close proximity to the doors and windows on the rear elevations of these properties and their rear gardens. As such the increase in vehicle movements to the site resulting in noise and disturbance will be detrimental to the amenity of these properties contrary to Section 12, Paragraph 127 f) of the NPPF and SP3(L) of the emerging Local Plan.

## 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Muir as *'This is a sensitive matter. There is a lot of community tension between applicants and residents. Called in to ensure any decision is seen as transparent'*.

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located to the rear of 236 to 248 Horton Road and is accessed by vehicles via an existing unnamed road which leads to Mill Place Caravan Park.
- 3.2 The site is positioned within previously undeveloped land that is commonly referred to as Datchet Common.
- 3.3 A pallet storage yard is located to the south of the site separated from the site by an emergency exit. To the east lies a car wash and the western boundary borders the remaining area of Datchet Common.
- 3.4 This application has been submitted as a retrospective application. The application proposes that an area within the site is used to station up to 67 cars. However, it should be noted that the related enforcement investigation has established that the entire planning unit is being used for airport parking with up to 400 cars being stationed on the land.

## 4. KEY CONSTRAINTS

- 4.1 The application site is located entirely within the Green Belt and Flood Zone 3. Parts of the site are located within Flood Zone 3b (Functional Flood Plain).

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

- 5.1 The application proposes the change of use of part of the land to permit the stationing of motor vehicles. The car parking area covers 1925m<sup>2</sup> and the parking layout details 67 parking bays. The application also seeks to retain a porta-cabin used as an office in conjunction with the airport parking operation on site. The structure measures 7m x 2.5m and has a height of 2.85m.



- 5.2 The proposal does not reflect the current arrangement on site. It details a much smaller area than that currently used to store cars and there is no reference to the associated development i.e. hardstanding and toilets to facilitate the use.
- 5.3 The entire area of Datchet Common has been covered in aggregate to form hard standing to facilitate the current unauthorised airport parking. This unauthorised use and the associated development (including hardstanding) are the subject of an extant enforcement notice that has been appealed. This application does not seek approval for the hardstanding. The extant enforcement notice is a material consideration in the determination of this application.
- 5.4 There is no record of planning permission being granted for any use on site.

Reference	Description	Decision
13/02024/FULL	The use of land as a public gypsy and traveller site consisting of 10 pitches, 5 utility buildings, play area and associated works	Withdrawn on the 29 <sup>th</sup> April 2014.
14/01370/FULL	The use of land as a gypsy and traveller site consisting of 9 x pitches, 5 x utility buildings, play area, warden's office and associated works.	Dismissed by the Secretary of State on the 5 <sup>th</sup> July 2016.
16/03681/FULL	Use of the land as a Gypsy and Traveller site consisting of 5 no. residential pitches plus 1 no. warden pitch, play area and three amenity blocks.	Withdrawn on the 26 <sup>th</sup> July 2017
17/02404/FULL	Use of the land as a Gypsy and Traveller site consisting of 4 no. residential pitches, 2 no. Amenities blocks, 1 No. Wardens block and play area	Refused- this refusal is currently being appealed.
17/02236/FULL	Change of use of the land to the stationing/parking of vehicles	Withdrawn on the 6 <sup>th</sup> December 2017.

## 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
Green Belt	GB1 and GB2
Design in keeping with character and appearance of area	DG1
Flooding	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)

## 7. **MATERIAL PLANNING CONSIDERATIONS**

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

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

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

### **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

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 Interpretation of Policy F1

### 8. CONSULTATIONS CARRIED OUT

#### Comments from interested parties

43 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 17<sup>th</sup> July 2019

No letters were received supporting the application.

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

Comment		Where in the report this is considered
1.	Proposal represents inappropriate development and it results in a substantial impact on the openness of the Green Belt. There are no very special circumstances.	9.2 - 9.10
2.	Inappropriate development in Flood Zone 3b. A flood risk assessment has not been submitted.	9.13 - 9.16
3.	Urbanisation of once rural piece of land	9.12
4.	Negative impact on rural character of site	9.12
5.	The use will negatively affect amenity of nearby residential properties	9.19 - 9.20
6.	Increase in level of activity and number of comings and goings and associated noise and disturbance.	9.19
7.	Application gives an erroneous impression of the true situation. The number of cars currently parked far exceeds the maximum 67 stated. There are around 400 cars parked and it has been this way for several years.	3.4
8.	Waste storage and removal plans are indicated on the application but no details are provided.	Not relevant to application
9.	The hours of operation stretch beyond 9am-5pm to operate as airport parking.	9.20
10.	The land can be seen from Datchet Common Public land	Noted
11.	Airport parking is a total inappropriate use of land so close to residential properties.	9.19 - 9.20

12.	The use subject local residents to noise, light pollution, atmospheric pollution and general disturbance from car journeys. The access roads are narrow, close to houses and unsuitable for this volume of traffic.	9.19 - 9.20
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### Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	<p>The EA have two objections namely:</p> <p>We object to the proposed development as it falls within a flood risk category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the NPPF and its associated guidance.</p> <p>A Flood Risk Assessment (FRA) has not been submitted. An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown.</p>	9.13- 9.16
Highways	Comments Awaited	
Environmental Protection	It is suggested that a number of conditions and informatives be imposed if the application is approved. These suggested conditions cover the minimisation of artificial light on nearby properties, site working hours, and collections during construction and demolition.	N/A

### Consultees

Consultee	Comment	Response
Parish Council	Members had no objection on the grounds that the applicant provides a Flood Risk Assessment (FRA).	An FRA has not been submitted.

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Appropriate development in Green Belt
- ii Acceptable impact on Green Belt
- iii Impact on character and appearance of the area
- iv Flood Risk

- v Highway Safety
- vi Impact on neighbouring amenity
- vii. Planning balance

### **Appropriate development in the Green Belt**

- 9.2 The application site is located within the Green Belt. Paragraph 133 of the NPPF sets out that the 'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.
- 9.3 Local Plan policy GB1 sets out acceptable uses and development in the Green Belt and specifies that consent will only be granted for changes in the use of the land which maintain openness and do not conflict with the purposes of including land in the Green Belt. This part of the policy is in accordance with the NPPF which is considered a more up-to-date expression of Government intent in line with Paragraph 146 (e) of the NPPF which stipulates that material changes in the use of land are not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 9.4 The use of the land for the stationing/parking of vehicles and the siting of a portacabin fails to preserve the openness of the Green Belt and conflicts with one of the five Green Belt purposes – namely 134 c) - assisting the countryside from encroachment as discussed further below. Accordingly, the use is inappropriate development as defined by the NPPF and Local Plan Policy GB1.
- 9.5 As detailed in paragraph 143 of the NPPF, inappropriate development is by definition, harmful to the Green Belt and it should not be approved except in very special circumstances. As stipulated in paragraph 144 of the NPPF, substantial weight should be attributed to any harm to the Green Belt. Furthermore, '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. No very special circumstances have been put forward by the applicant and as such, the harm identified by inappropriateness is not outweighed in this case.

### **Acceptable impact on Green Belt**

- 9.6 As detailed above, paragraph 133 of the NPPF sets out that the 'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. As such the effect of the proposal on the openness of the Green Belt is an important consideration in the determination of this application.
- 9.7 There is no definition of openness in the NPPF, but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development. The stationing of vehicles on previously undeveloped land significantly impinges on openness and has a detrimental urbanising effect on the lawful use. Additionally, the unauthorised use negatively alters the character and appearance of the lawful site, contrary to the purpose of the Green Belt and resulting in the loss of open countryside.
- 9.8 Policy GB2(A) of the adopted local plan is broadly line with the NPPF. Policy GB2(A) advises that consent will not be granted for any development that has a greater impact on the openness of the Green Belt than an existing development.
- 9.9 The lawful undeveloped use of the site had an open quality despite its neglected appearance. Prior to the current unauthorised use, the area was open rough scrubland. The storage of 67 cars and siting a porta cabin on the land will greatly impact upon the openness of the site both visually

and spatially and would result in the unrestricted sprawl of the built-up area and the loss of countryside.

- 9.10 The use of the land to station cars and a portacabin will negatively change the character and appearance of the once undeveloped site. As such the introduction of the vehicle parking has had an urbanising effect and will result in a significant loss of openness contrary to the NPPF and to Local Plan Policy GB2A of the adopted Local Plan. The proposal is also contrary to policies SP1 and SP5 of the emerging Borough Local Plan to which significant weight can be afforded.

### **Impact on character and appearance of the area**

- 9.11 Policy DG1 of the adopted Local Plan stipulates that harm should not be caused to the character of the surrounding area through development which results in the loss of important features which contribute to that character which is also an important aim contained within the NPPF.
- 9.12 The site is a relatively enclosed area of land bordered by rear gardens of properties on Horton Road and Datchet Car wash. The concentration of 67 densely parked cars and a portacabin in a relatively small area results in the urbanisation of this once open and rural piece of land which is out of keeping in this semi-rural environment. Whilst it is acknowledged that the adjacent car wash is lawful this scheme is of a larger scale and a greater level of intensity than the adjacent use. As such the proposed use will negatively impact on the lawful open rural character of the site and would be out of keeping with the area contrary to policy DG1 of the Local Plan and Policy SP3 of the emerging Borough Local Plan.
- 9.13 The application is supported by a landscape design statement. This illustrates soft landscape 'islands' within rows of parking, a 1m wide land strip to the site periphery and soft landscape buffer zones to the northern end of the site. Whilst a plan within the landscape statement illustrates landscaping, these plans do not correlate with the plans submitted to accompany the application. They do not mirror the proposed parking arrangement and do not include the porta cabin and so the landscaping proposed does not correlate with the development proposed. As such they are not relevant to the scheme being considered.

### **Flood Risk**

- 9.14 Part of the application site lies within Flood Zone 3b (FZ3b) i.e. functional flood plain. FZ3b is defined in the NPPF and NPPG as having a high probability of flooding from rivers and the land where water has to flow or be stored in times of flooding. This is confirmed by the Council's Strategic Flood Risk Assessment.
- 9.15 The Environment Agency classify the proposed use as 'less vulnerable' development despite not being specifically mentioned within flood risk table 2 of the NPPG. Table 3 of the NPPG - Flood risk vulnerability and flood zone 'compatibility' clearly indicates that this type of development is not compatible with this flood zone and should not therefore be permitted.
- 9.16 In accordance with the requirements of National Planning Policy, the applicant is required to submit a site –specific flood risk assessment. The applicant has failed to submit a site-specific flood risk assessment which contravenes Section 14 of the National Planning Policy Framework.
- 9.17 As the applicant has failed to submit a site –specific flood risk assessment, no further assessment of the acceptability of the development in the flood zone is required. The proposal fails to comply with the NPPF, with Policy F1 of the Local Plan. With regard to Policy NR1 of the emerging Borough Local Plan only limited weight is afforded to this policy given the level of unresolved objection against it.

## **Highway Safety**

- 9.18 The applicant has failed to identify the purpose of the car park despite the current airport parking on site. As such there is no accurate way of anticipating the number of vehicle trips resulting from the proposal. Although supporting information would be beneficial to fully appreciate the extent of the impact, the location of the site and access are not anticipated to impose any severe impacts to the local highway network or raise highway safety issues.
- 9.19 The sight lines at the junction with Horton Road comply with current guidance in both directions. The applicant proposes serving the site from the main access onto the private road. The entrance to the site is gated, but is of sufficient width to allow two way vehicular flow across the entrance. However, the plan also shows that the applicant intends to retain access to Mill Lane.

## **Impact on neighbouring amenity**

- 9.20 The use of the site to station/park up to 67 vehicles will increase the level of activity on the site by virtue of the number of comings and goings. This will negatively affect the amenity of Mill House and Mill Cottage and the properties along Horton Road that back onto the site and the properties on Mill Place that back onto to the access road. The properties on Mill Place are positioned between three and four metres from the access road and as such vehicles accessing the site will be in close proximity to the doors and windows on the rear elevations of these properties and their rear gardens. As such the increase in vehicle movements to the site resulting in noise and disturbance will be detrimental to the amenity of these properties.
- 9.21 As a result of the current unauthorised use on site local residents have already reported an increased level of disturbance due to vehicles being moved at all hours of the day. Whilst it is accepted that a condition could be imposed to limit the times of these movements, this would not overcome the unacceptable impact to these properties arising from vehicles needing to access the site to park outside of those hours permitted. The proposal is therefore contrary to paragraph 127(f) of the NPPF and to policy SP3 (L) of the emerging Borough Local Plan both of which are attributed significant weight.

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

- 10.1 The proposal is inappropriate development in the Green Belt for which no very special circumstances have been advanced, this is afforded substantial weight against the development proposed. In addition there is a harmful impact on the openness of the Green Belt which weighs against the development.
- 10.2 Furthermore 'any other harm' is required to be considered. Set out above is the harm caused to the functional floodplain and non-compliance with Policy F1 of the adopted Local Plan and emerging policy NR1 of the Borough Local Plan. There is harm to the semi-rural character of the area and to residential amenity contrary to Policy DG1 of the adopted Local Plan, Paragraph 127(f) of the NPPF and emerging policy SP3 of the Borough Local Plan. This also weighs against the development in the planning balance.
- 10.3 In the absence of a case for very special circumstances, no benefits arising from the scheme have been identified. Consequently the development fails to accord with the adopted and emerging Development Plan; there are no material considerations which would indicate a contrary decision. In fact there are material considerations which add to the weight of the assessment, this includes the extant enforcement notice. Planning permission should not be granted.

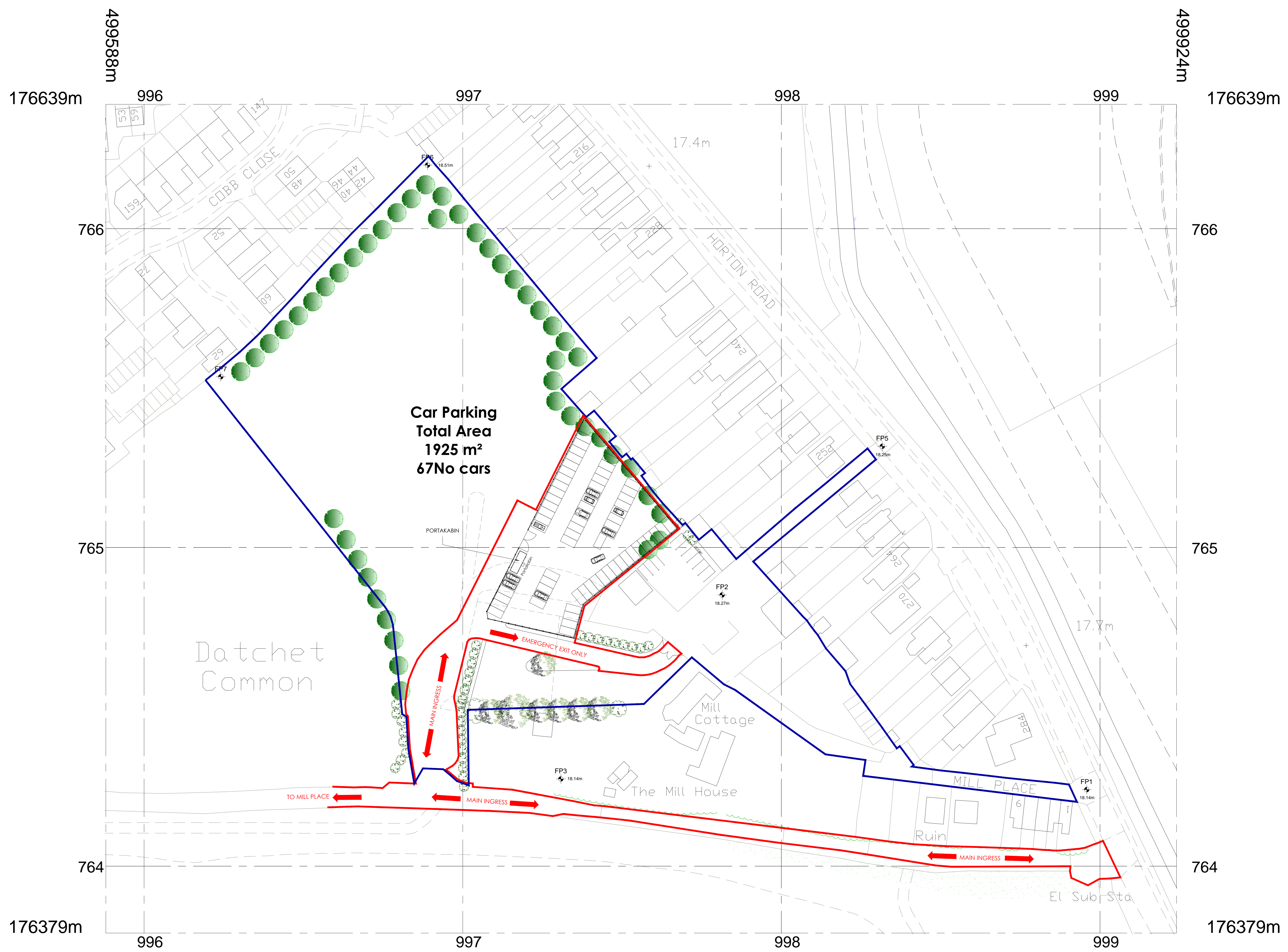
## **11. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan and site layout
- Appendix B – Proposed Plans

## **12. REASONS RECOMMENDED FOR REFUSAL**

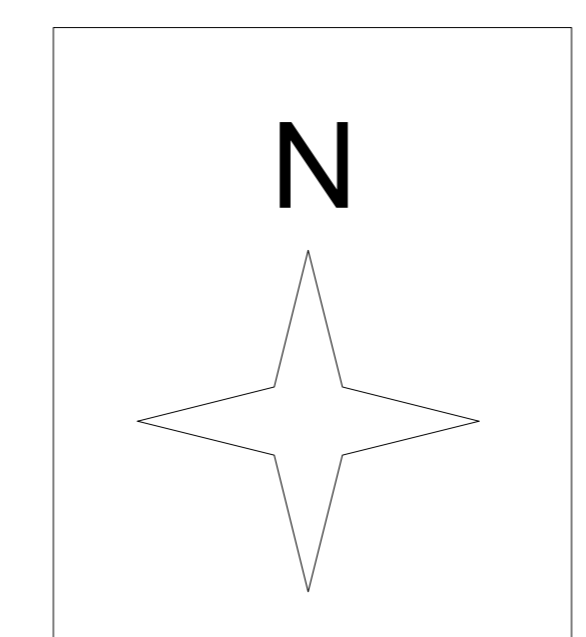
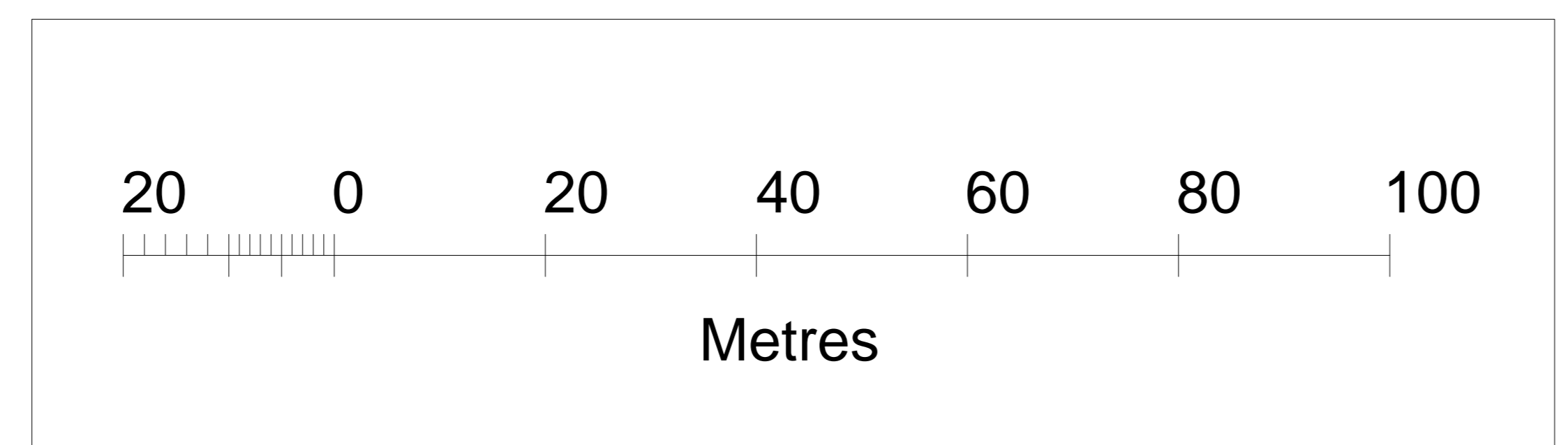
- 1 The proposal represents inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. The proposal will also result in a substantial negative impact on the openness of the Green Belt. No very special circumstances have been put forward that clearly outweigh the harm caused by reason of inappropriateness and the substantial impact on the openness of the Green Belt. Accordingly, the proposal is contrary to saved Policies GB1, GB2A of the Royal Borough of Windsor and Maidenhead Local Plan (June 2003), Policies SP1 and SP5 of the emerging Local Plan and Section 13 of the National Planning Policy Framework (February 2019).
- 2 Part of the site is situated within flood zone 3b functional floodplain. The use has been classified as a less vulnerable use, and such a use is identified as inappropriate development within FZ3b. The applicant has also failed to submit a site-specific flood risk assessment as required by Section 14 of the National Planning Policy Framework.
- 3 The concentration of up to 67 densely parked cars and the siting of a porta-cabin in a relatively small area results in the urbanisation of this once open and rural piece of land. As such the proposed use will negatively impact on the lawful open rural character of the site contrary to saved policy DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (June 2003) and policy SP2 of the emerging Local Plan.
- 4 The use of the land to station/park up to 67 vehicles will increase the level of activity on the site by virtue of the number of comings and goings. This will negatively affect the amenity of Mill House, Mill Cottage the properties on Mill Place that back onto the access road and the properties on Horton Road that back onto the site. The properties on Mill Place are positioned between three and four metres from the access road and as such vehicles accessing the site will be in close proximity to the doors and windows on the rear elevations of these properties and their rear gardens. As such the increase in vehicle movements to the site resulting in noise and disturbance will be detrimental to the amenity of these properties contrary to Section 12, Paragraph 127 f) of the NPPF and SP3(L) of the emerging Local Plan.





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# location plan

## 1:500 @ A0

client Mr D Loveridge		
Mill Place Caravan Park Datchet Slough. SL3 9JD		
drawing title proposed location plan car parking area		
date June 2017	scale 1:500	sheet size A0
job no. 0912-1	drawing no. A30-06-17	revision B

**Car Parking  
Total Area  
1925 m<sup>2</sup>  
67No cars**



PORTAKABIN  
REFER TO DRAWING  
A30-07-19



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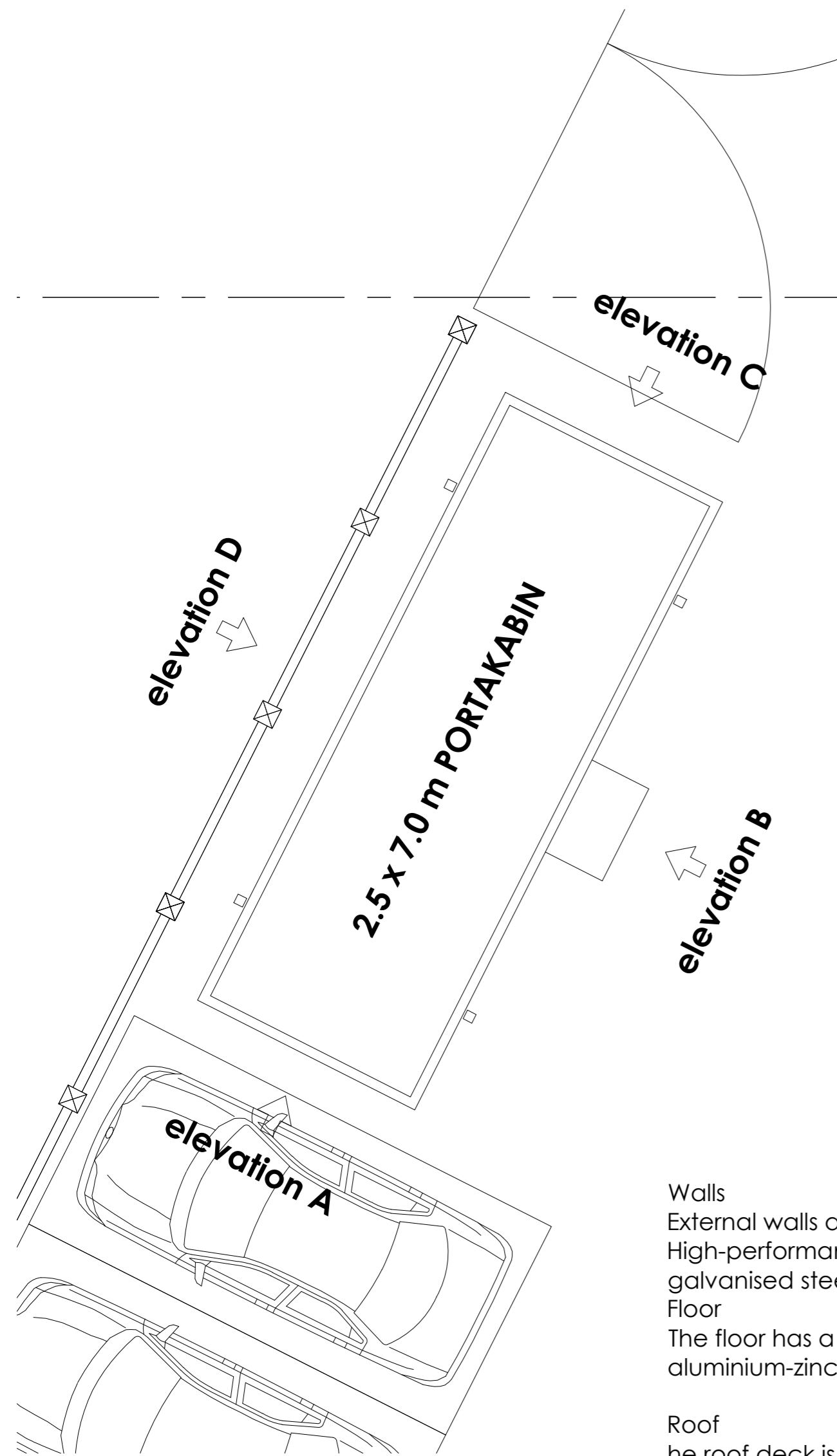
client  
Mr D Loveridge

Mill Place Caravan Park  
Datchet  
Slough. SL3 9JD

drawing title  
proposed  
location plan  
car parking area - option 1

date  
June 2017

job no. 0912-1	drawing no. A30-06-17 -2	revision C
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**positioning**  
(refer to location plans)

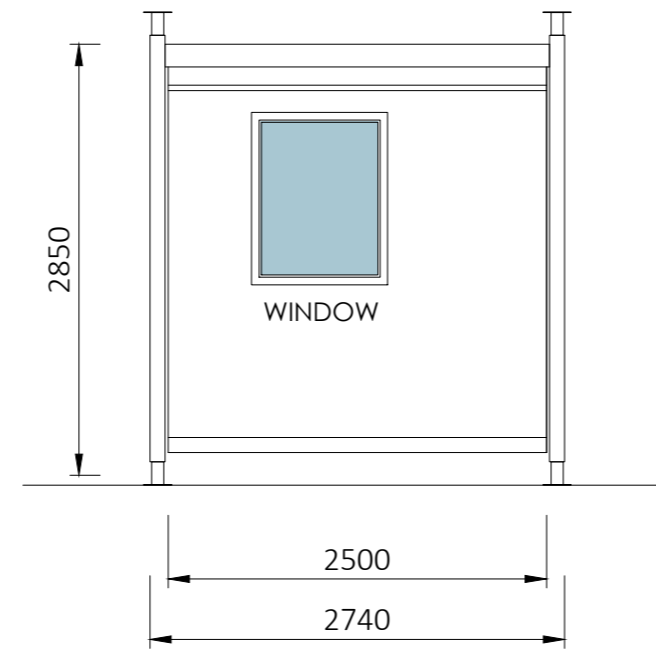
**Walls**  
External walls are of a durable one-piece construction. High-performance, low-maintenance, plastisol-coated, galvanised steel cladding.

**Floor**  
The floor has a rigid galvanised steel frame and an aluminium-zinc coated steel sheet.

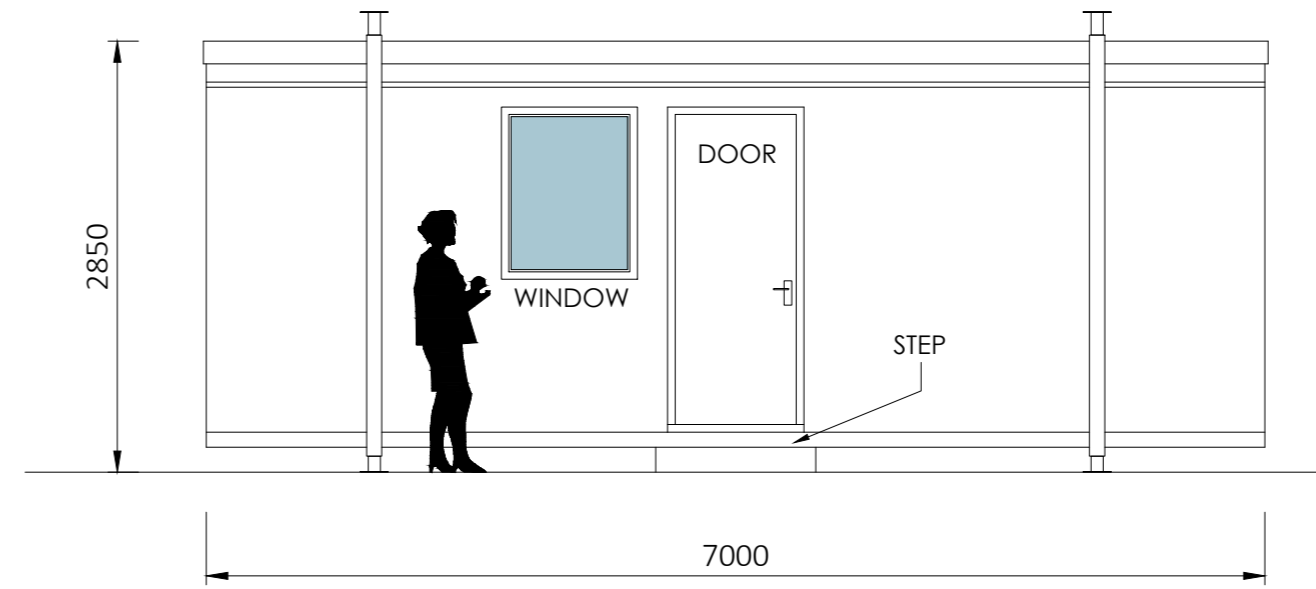
**Roof**  
The roof deck is of one-piece construction and is impact resistant. It is covered profiled plastisol-coated, galvanised steel.

**Doors**  
Steel-faced doors with a cylinder mortise lock.

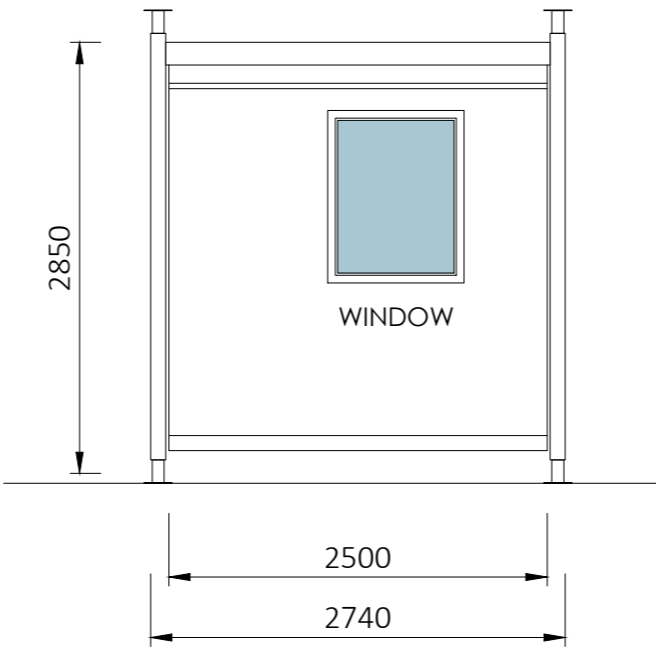
**Windows**  
Both the fixed and opening have square cornered aluminium frames.



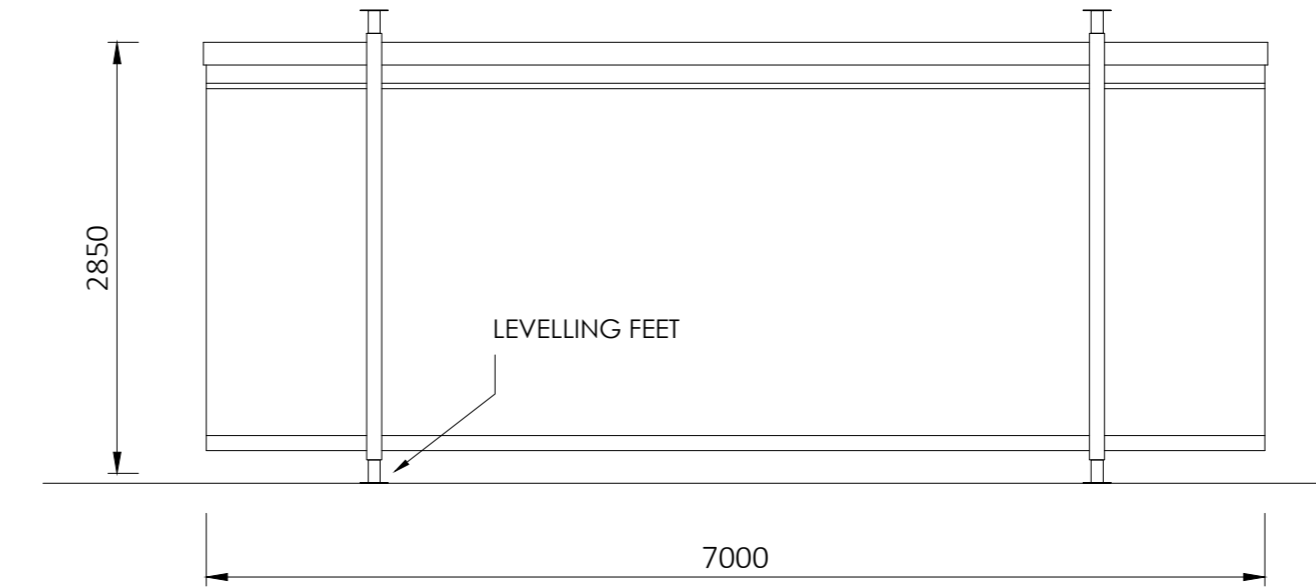
**elevation A**



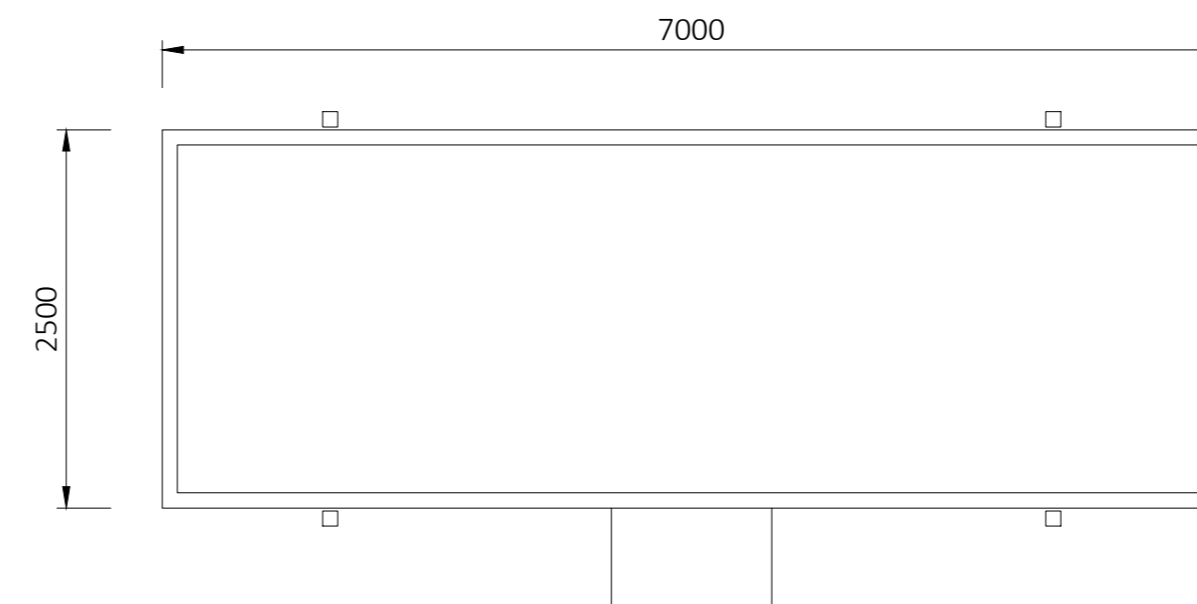
**elevation B**



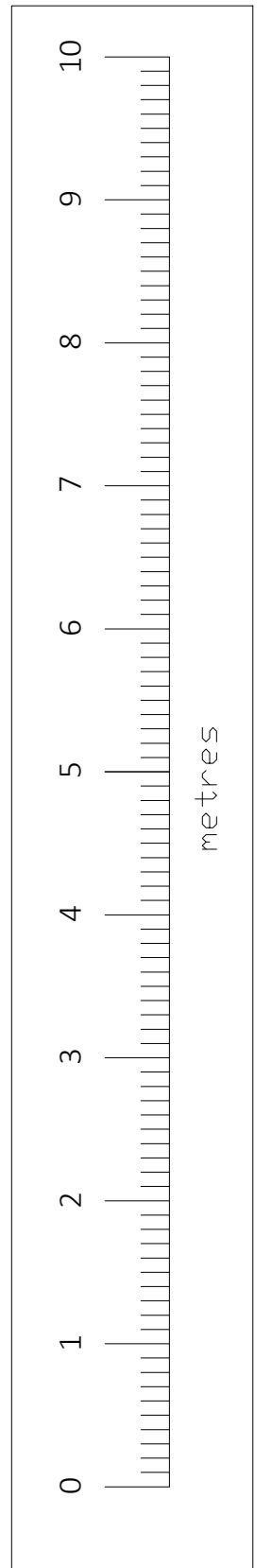
**elevation C**



**elevation D**



**roof plan view**



client  
Mr D Loveridge

Mill Place Caravan Park  
Datchet  
Slough. SL3 9JD

drawing title  
proposed  
Portakabin  
plan and elevations

date July 2019	scale 1:50	sheet size A2
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job no. 0912-1	drawing no. A30-07-19	revision :
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## DEVELOPMENT CONTROL PANEL

8 January 2020

Item: 6

<b>Application No.:</b>	19/02007/FULL
<b>Location:</b>	Legoland Windsor Resort Winkfield Road Windsor SL4 4AY
<b>Proposal:</b>	Redevelopment of Adventure Land including the erection of new buildings, ride and play equipment, hard and soft landscaping with associated infrastructure, following demolition of various existing buildings.
<b>Applicant:</b>	LEGOLAND Windsor Park LTD
<b>Agent:</b>	Mrs Sarah Moorhouse
<b>Parish/Ward:</b>	Windsor Unparished/Clewer And Dedworth East
<b>If you have a question about this report, please contact:</b> Antonia Liu on 01628 796034 or at <a href="mailto:antonia.liu@rbwm.gov.uk">antonia.liu@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 The proposal comprises of the re-theming and redevelopment of 'Adventure Land' including a new drop tower ride, play equipment and seating area, a 'photo-opportunity' building and Main Attraction Building and associated development.
- 1.2 The proposal was previously considered under the hybrid application 17/01878/OUT as 'Project 5'. However, in order to open in 2021 the construction of this project will have to include periods when the park is open to the public. Therefore the applicant has sought an alternative location which can be readily closed off from the park.
- 1.3 The proposal is considered to represent in policy terms inappropriate development in the Green Belt, which is afforded substantial weight against the development, and there is limited harm to trees and ecology which are both afforded limited weight against the development. Balanced against this, the proposal is not considered to conflict with any of the stated purposes of the Green Belt and there are a number of economic benefits in respect of the tourism economy, employment and operational spend. There are also community and charitable benefits. Therefore, it is considered that a case of very special circumstances has been demonstrated to outweigh the harm to the Green Belt by reason of inappropriateness and harm to openness.
- 1.4 The proposal is considered to be acceptable in relation to character and appearance, heritage assets, trees, ecology, highways and parking, neighbouring amenity and sustainable drainage.
- 1.5 This proposal, although in the different location, has already been considered acceptable under 17/01878/OUT. If minded to approve, it is recommended that this is subject to a S106 to ensure that only one of the scheme is implemented.

**It is recommended the Panel defers and delegates to Head of Planning the Grant of Planning Permission with the conditions listed in Section 13 of this report subject to the completion of the satisfactory S106 to ensure either the proposal or project 5 under 17/01878/OUT is implemented but not both.**

### 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 as the proposal results in a gross new floor space of 1171sqm (1097sqm, net) which exceeds the 1000sqm threshold set out in the constitution.

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

- 3.1 Legoland is a theme park located approximately two miles to the south-west of Windsor town centre. Within the main theme park there is an extensive range of built structures including rides, marquees, kiosks, WC facilities, retail outlets, cafes, storage/maintenance facilities and office space set within a well landscaped site where the topography and tree covered on the site screens the majority of the park from view. Within the main theme park, towards the east of the site is a 150 bedroom hotel with a 61 bed extension. The main theme park is delineated by a service ring-road. On the outer edge to the west of the theme park are car and coach parks for day-visitors, and a parking area for the hotel to the east. To the north and north-east is a landscape buffer between the theme park and the residential properties on St Leonard's Hill. The access road leads off the existing roundabout junction with the B3022 Winkfield Road. There is wider access from the strategic road network including the M3, M4, M25, M40, A404(M) and A308(M).
- 3.2 The application comprises of approximately 0.92ha towards the eastern part of the theme park, to the north of an existing service building and south of the lake, and currently comprises of 'Adventure Land', part of an internal service road, and grassed service area that is used for a back-of-house area for staff and temporary storage / maintenance purposes.

### **4. KEY CONSTRAINTS**

- 4.1 Legoland and the site is located on the edge of the built-up area of Windsor which lies to the north-east of the theme park. To the south lies Windsor Forest and to the east is Windsor Great Park. Windsor Great Park is designated as a historic park and garden, while both Windsor Forest and Windsor Great Park are designated as a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). Windsor Great Park is designated as a historic park and garden. The site, Legoland as a whole, and land to the north (in part), east, west and south lies in the Green Belt. The site, Legoland, and immediate surrounds also lies in an Area of Special Landscape Importance. The north-western section of 'Adventure Land' is covered by a TPO that protects all Oak, Elm, Fir, Ash, Beech, Birch, Chestnut, Thorn and Poplar. The area to the south-east forms part of a Woodland TPO designation covering all species ref: 003/1963/TPO. A Public Right of Way (Public Bridleway 9 Windsor) runs west and south of the existing Resort.

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

- 5.1 The proposal comprises of the re-theming and redevelopment of 'Adventure Land' including the following:
- A new drop tower ride to the centre of the application site with two steel drop towers with gondolas measuring approximately 13m in height and partial covered queue line to the south-east of the ride.
  - To the north of the application site and to the east of the existing Harbourside Fish and Chips restaurant, new play equipment and seating area is proposed. The height of the play equipment varies in form and height, but the tallest play piece would be approximately 10.5m.
  - To the western part of the application site is a new 'photo-opportunity' building with the front facade measuring a maximum of 7.5m in height before stepping down to a minimum height of 2m to the rear. To the north-east of the photo-opportunity building is a queue line bounded by a 1.1m high fence.
- 5.2 To the south of the site within the grassed area currently used for temporary storage/maintenance purposes and back of house staff, a new attraction ride is proposed in a building measuring approximately 13m in height with a floor area of approximately 1070sqm over 5 floors (basement, ground floor, first floor, second floor and plant floor). To the south-east of the site is a

queue area covered by a steel framed canopy with tensile fabric measuring approximately 4m in height. To the front of the building is a paved courtyard area. Around the perimeter, associated landscaping and a 2m high fence is proposed. This part of the proposal is referred to as the 'Main Attraction Building' in the submitted Planning Statement and for consistency is referred as the same in this report.

5.3 Other works are proposed, which do not form part of the application as used for or in connection with the entertainment of the public within the amusement park they benefit from permitted development rights under Schedule 2, Part 18, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, for completeness, the works include:

- 1 A games / photo collection kiosk with a maximum height of 4.1m and a footprint of approximately 38sqm.
1. Plant room with a maximum height of 4.4m and a floor area of approximate 27sqm.
2. Operators Cabin in association with the drop tower with a maximum height of 2.7m and a footprint of approximately 9sqm.

The re-theming and refreshing of the existing 'Squid Surfer' ride and Harbourside Fish and Chips restaurant are not considered to be development. It should also be noted that are various billboards, entrance portals, models and directional signs are considered to be advertisements under the definition under Section 336 of the Town and Country Planning Act 1990 (as amended).

5.4 The proposal was previously considered under the hybrid application 17/01878/OUT as 'Project 5'. Due to investment cycles, the aim for Legoland was to progress this particular project to open in 2021. However, due to the time taken to determine 17/01878/OUT and subsequent Judicial Review, in order to open in 2021 the construction of this project will have to include periods when the park is open to the public. Therefore the applicant has sought an alternative location which can be readily closed off from the park.

5.5 There is significant planning history for the site, the most recent being:

Reference	Description	Decision
09/01184/OUT	Outline application for the erection of a 150 bedroom hotel with landscaping, sustainable drainage, alterations to internal access road and parking to provide 321 spaces and associated works. All matters reserved.	Approved - 07.10.2009
09/02094/FULL	Replacement storage building,	Approved – 09.11.2009
09/02647/VAR	Erection of a 150 bedroom hotel with landscaping, drainage, alterations to internal access road and parking as permitted by Outline application 09/01184 without complying with condition 4 of that permission relating to total floorspace not to exceed 9000sqm gross external floorspace, to allow the total floorspace not to exceed 9450 sqm gross external floorspace.	Approved – 09.02.2010
10/00064/FULL	Erection of a covered terrace area, to the West of Pirate Falls Ride	Approved – 22.02.2010
10/00106/FULL	Proposed paid parking exit system comprising four parking barriers, a ticket kiosk and works to realign/widen and internal road.	Approved – 01.03.2010

10/00155/FULL	Reserved matters pursuant to outline planning permission 09/01184/OUT for the construction of a 150 bedroom hotel with landscaping, sustainable drainage, alterations to internal access road and parking to provide 321 spaces and associated works.	Approved – 19.04.2010
10/01122/FULL	Erection of an indoor Sealife attraction building, including canopy, terrace and associated landscaping	Approved – 08.07.2010
10/02813/FULL	Extension to the Adventureland toilets and boardwalk	Approved – 04.01.2011
11/00526/FULL	Installation of a timber canopy over the Dino Dipper ride	Approved – 04.04.2011
11/00802/FULL	Installation of new show seating at the Johnny Thunder Adventures' Show	Approved – 03.05.2011
12/02314/FULL	Construction of a new 'Traffic Games' kiosk style fairground unit	Approved – 07.01.2013
13/00043/FULL	Construction of a new plant enclosure within the 'DuploLand' area of the park	Approved – 11.02.2013
13/00190/FULL	Construction of a new 'Traffic Games' kiosk style fairground unit	Approved – 11.03.2013
13/01168/FULL	Erection of timber food and beverage kiosk	Approved – 10.07.2013
13/02393/FULL	Redevelopment of an existing area of the Park to create a new and extended 'Pirate Training Camp' including demolition of existing structures and the installation of 'Pirates Rigging'	Approved – 11.03.2013
14/01251/FULL	Installation of a new attraction including a haunted house building, queue line area, landscaping and alterations to an existing pathway within the resort	Refused – 20.08.2014 Appeal Allowed – 27.11.2015
15/02105/FULL	Installation of a new attraction including a haunted house building, queue line area, landscaping and alterations to an existing pathway within the resort	Declined to Determine
15/02004/FULL	Erection of a 61 bedroom themed hotel extension with covered link walkway, restaurant extension to the existing Legoland Windsor Hotel with associated landscaping and alterations to the existing SUDs scheme, following demolition of existing Dino Safari ride and toilet block	Approved – 15.02.2016
16/00851/FULL	Development of a new ride to replace the existing Loki's Labyrinth attraction, including erection of new building, entrance portal, courtyard, temple and associated queue line, infrastructure and landscaping	Approved – 17.06.2016
17/01878/OUT	Hybrid planning application seeking permission for the following Full (detailed) projects: Project 1 - the	Approved – 10.04.2019 Judicial Review - Pending



	<p>erection of 65 permanent semi-detached lodges (130 units) and 20 'barrels' with associated amenity facilities block to provide visitor accommodation, a central facilities 'hub' building, SUDS ponds, landscaping works (including equipped play areas) and associated infrastructure works ('Phase 1' of the holiday village); Project 2 - Reconfiguration of car parking and internal accesses and associated engineering/infrastructure works; Project 3 - Change of use of existing farm buildings from agricultural/'sui generis' use to Use Class D2, ancillary 'back of house'; accommodation and land for re-use by the theme park and the creation of one new access point from the existing car park and Project 4 - Extension and alterations to 'The Beginning' comprising new admissions building, extension to existing toilet facilities and new entrance portal. Permission for the following Outline projects: Project 5 - Construction of the '2019 attraction' comprising three 'attraction zones' for up to three new rides (one to be an indoor attraction and the other two to be uncovered or covered) with associated queue line areas, landscaping works and associated infrastructure; Project 6 - Construction of a new indoor ride on the 'Haunted House' site with associated queue line area, landscaping works and associated infrastructure; Project 7 - Extension to the existing 'Big Shop' LEGO store in 'The Beginning' area; Project 8 - Erection of up to 300 units of visitor accommodation ('Phases 2 and 3' of the holiday village) with two associated central facilities 'hub' buildings, SUDS ponds, landscaping, infrastructure works and car parking area.</p>	
19/02163/CPD	Certificate of lawfulness to determine whether the proposed installation of a coaster ride, control cabin, photo booth and enclosure is lawful.	Approved – 07.10.2019

## 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
Green Belt	GB1, GB2, GB9
Character and Appearance	DG1, N1
Highways and Parking	T5, P4
Trees	N6
Historic Parks and Gardens	HG1

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 2 – Achieving Sustainable Development

Section 4 – Decision-making

Section 6 – Building a Strong, Competitive Economy

Section 9 – Promoting Sustainable Transport

Section 12 – Achieving Well-Designed Places

Section 13 – Protecting Green Belt

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
Green Belt	SP1, SP5
Character and Appearance	SP2, SP3
Sustainable Transport	IF2, IF5
Trees and Ecology	NR2, NR3
Historic Environment	HE1, HE2
Visitor Development	VT1
Environmental Protection	EP1, EP3, EP4

### Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Green Belt	SP1, QP5
Character and Appearance	QP1, QP3
Sustainable Transport	IF2, IF5
Trees and Ecology	NR2, NR3
Historic Environment	HE1, HE2
Visitor Development	VT1
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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.

These documents can be found at:

<https://www3.rbwm.gov.uk/blp>

### Other Local Strategies or Publications

7.3 Other Strategies or publications material to the proposal are:

- RBWM Landscape Character Assessment
- RBWM Parking Strategy

## 8. CONSULTATIONS CARRIED OUT

The planning officer posted a notice advertising the application at the site on 01.08.2019 and the application was advertised in the Local Press on 17.10.2019.

No letters were received supporting or objecting to the application.

Consultee	Comment	Where in the report this is considered and officer comment.
Arboriculture Officer	<p>Raises objections over harm to the landscape character which identifies trees and woodland, some of which are ancient and veteran, as a key characteristic. The loss of existing trees indicated on the tree removal plan would erode the landscape character of the site, and the proposal does not provide sufficient mitigation.</p> <p>Hardstanding structures would intrude into the buffer zone of trees and the layout would bring additional pressure to harm trees within the site.</p> <p>The removal of the large dead tree sculpted into a totem pole, and relocation of a replacement tree would isolate oaks within the Picnic Grove with the belt of trees to the south-east.</p> <p>Confirmation is required that there will be no utilities which will impact on trees.</p>	<p>Section 9 (iv)</p> <p>Replacement and new tree planning would result in a net gain, which would mitigate the impact of the proposal, and a condition is recommended to secure this.</p> <p>While there would be some new hardstanding within the buffer zone, there would also be some removal and reinstatement to natural state which equate to approximately the same area. Together with mitigation to ameliorate the soil environment, this is considered acceptable. It is recommended that this is secured by condition as part of a Landscape and Ecology Management Plan.</p> <p>Based on the layout, any</p>

		<p>potential excavation will be limited to the outer edge of the buffer zone, and therefore considered acceptable. A condition is recommended to ensure any excavation is hand dug.</p> <p>Given the modest separation distance from the oaks to the belt of trees, this is considered to cause only limited harm.</p> <p>Condition recommended requiring submission of details and approve of underground utilities</p>
Bray Parish Council	<p>Raises concerns relating to the impact on the historic views of Windsor Great Park (Grade I registered Park and Gardens), and impact on the local highway network due to the additional number of visitors, and therefore recommends refusal.</p>	<p>Section 9 (ii), (iii) and (vi)</p> <p>The submitted Landscape Visual Appraisal demonstrates there would be no effect or negligible views of the tops of rides from Windsor Great Park.</p> <p>It is established that new visitor attractions is not a visitor trip generator in itself, and would therefore not result in an increase in pressure on the local highway network.</p>
Conservation Officer	<p>No objections as there would be minimal impact on views from open areas of the historic Windsor Great Park.</p>	<p>Section 9 (ii) and (iii)</p>
Ecology	<p><u>Special Area of Conservation</u> Given the distance of the proposed development to Windsor Forest and Great Park Special Area of Protection, a screening assessment for an appropriate assessment should be undertaken.</p> <p><u>Habitat</u> Natural England recommends a buffer around veteran trees, and within the buffer native species should be planted. Trees to be lost must also be replaced on a like for like</p>	<p><u>Special Area of Conservation</u> Given the nature of development it is considered that an appropriate assessment is not required as the development alone and in combination with other development would not have a significant effect on Windsor Great Forest and Great Park.</p>

	<p>basis. This can be secured by condition.</p> <p><u>Bats</u> The carved totem pole was recorded as having the potential to support roosting bats and a soprano pipistrelle bat was recorded emerging from the structure during previous surveys and the most recent bat surveys. It is proposed to remove the totem pole. Details of mitigation measures should be provided prior to the determination of this application to ensure that the populace of bats, at a favourable conservation status in their natural range, will be maintained.</p> <p>A wildlife friendly lighting strategy can be secured by condition.</p> <p><u>Reptiles and Amphibians</u> No objections.</p> <p><u>Invertebrates</u> Trees of invertebrate interest, deadwood and stumps should be left in situ but if not possible they should be relocated to another part of the site as recommended with in the ecology report. This can be secured by condition.</p> <p><u>Biodiversity Enhancements</u> Details of biodiversity enhancements can be secured by condition.</p>	<p><u>Habitat</u> Where the hardstanding within the buffer of veteran trees is being restored to a natural state, a condition is recommended to secure submission and approval of details including species to be included as part of a Landscape and Ecology Management Plan.</p> <p>A condition to secure details of location and species of replacement trees as part of a Landscape and Ecology Management Plan is recommended.</p> <p><u>Bats</u> All species of bats are protected including their roosts, therefore a European Protected Species Licence from Natural England will be required. To be obtained this would include details of mitigation. If minded to approve this can be subject to a condition to require a Licence to be obtained and carried out in accordance with the Licence.</p> <p>Condition for a wildlife friendly lighting strategy as part of a Landscape and Ecology Management Plan recommended.</p> <p><u>Invertebrates</u> The tree stump identified at TN4 in the Preliminary Ecological Appraisal and Bat Survey is to be removed and relocated. A condition requiring submission and approval of details as part of the Landscape and Ecology Management Plan is recommended.</p> <p><u>Biodiversity Enhancements</u> Section 9 (v) and condition recommended.</p>
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Garden Trust	Have considered the information provided and wish to make no comment. This does not signify approval or disapproval of the proposal.	Noted.
Historic England	No comments received.	Noted.
Highways Officer	No objection.	Section 9 (vi)
Lead Local Flood Authority	The preliminary surface water drainage strategy is acceptable subject to a pre-commencement condition requiring the submission of full details of the proposed surface water drainage system including supporting calculations confirming compliance with the Non-Statutory Standards for Sustainable Drainage, and its maintenance arrangement.	Section 9 (viii) and condition recommended.
Natural England	No objections as the proposed development will not have a significant adverse impacts on statutorily protected nature conservation sites or landscapes, and refers the Local Planning Authority to Natural England's generic advice on other natural environmental issues.	Section 9 (v)

### Other Interested Parties

Group	Comment	Where in the report this is considered
Access Advisory Forum	No information submitted on the accessibility of the amenities in Adventure Land.	Noted.
Thames Water	No objections in relation to waste water and sewage treatment infrastructure capacity. Informatives recommended in relation to approval from Thames Water to discharge to a public sewer, water pressure, and the use of mains water for construction.	Noted and informatives recommended.

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Green Belt
- ii Character and Appearance
- iii Heritage Assets
- iv Trees
- v Ecology
- vi Highways and Parking

- vii Neighbouring Amenity
- viii Sustainable Drainage
- ix Planning Balance

**i Green Belt**

- 9.1 The entire site lies within the Metropolitan Green Belt and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 145 of the NPPF states that new buildings in the Green Belt would be regarded as inappropriate development with some exceptions, while paragraph 146 of the NPPF goes on to list other forms of development that are also not inappropriate provided that they preserve its openness and do not conflict with the purposes of including land within it.
- 9.2 Local Plan policy GB1 also sets out what may be considered appropriate development in the Green Belt, which includes redevelopment of designated major sites in accordance with GB9. However, while the Development Plan comprises of the Local Plan, policies GB1 and GB9 were prepared in accordance with the cancelled PPG2 Green Belts and not entirely consistent with the NPPF. As such, GB1 and GB9 are given limited weight for the purposes of this assessment. The NPPF is considered to be the most up-to-date expression of Government intent and given significant weight.
- 9.3 In this context, paragraph 145 (g) of the NPPF states that limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), need not be inappropriate development in the Green Belt. This is subject to the development not having a greater impact on the openness of the Green Belt than the existing development.
- 9.4 Appendix 2 of the NPPF defines previously developed land as ‘land which is or was occupied by a permanent structure including the curtilage of the development land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure’. On the basis of this definition it is considered that the site would fall under the definition of previously developed land as the site lies within the main theme park and its curtilage.
- 9.5 Turning to the impact on openness, the concept of openness relates to the lack of development or built form, however *Turner v SSCLG* and *East Dorset Council [2016]* and *Goodman v SSCLG [2017]* established that the impact of openness of the Green Belt should be assessed taking into account both its spatial and visual impact, while *Euro Garages Limited v SSCLG [2018]* establishes that greater floor area and/or volume does not necessarily mean that there is a greater impact and it is also necessary to consider “the impact or harm, if any, wrought by the change”. This Case Law is a material consideration, and in response to this case law the National Planning Policy Guidance (NPPG) which supports the NPPF advises that in addition to volume the visual impact of the proposal may also be relevant and the degree of activity likely to be generated.
- 9.6 The new drop tower ride, play equipment and photo-opportunity building would be sited in between existing rides and buildings, and would not exceed the height of the highest structure within the main theme park (The Jolly Rocker ride, which measures approximately 17.5m above ground). In the context of the main theme park it is considered that the new drop tower ride, play equipment and photo-opportunity building would not have a greater impact on openness of the Green Belt than the existing. However, the Main Attraction Building would be sited on open grassland which is used as back-of-house and for temporary storage / maintenance purposes at the outer edge of the theme park. There is currently no permanent structures on this part of the site. Measuring approximately 13m in height with footprint of approximately 603sqm and a floor

area of approximately 1070sqm over 5 floors (basement, ground floor, first floor, second floor and plant floor) it is considered that the Main Attraction Building would be a substantial building. The resultant mass and bulk of the proposed Main Attraction Building, together with its strident materials and colour as shown on the proposed elevations, drawing ref: LLWR-SA-01-XX-DR-A-0401 rev. 3, is considered to result in a greater spatial and visual impact upon openness of the Green Belt than the existing development. The degree of activity in this part of the site is also likely to increase as part of the main theme park rather than back of house. Overall it is considered that the proposal would result in a moderate harm to openness. Therefore, the proposal is not an exception under paragraph 145 (g) of the NPPF and considered to be inappropriate development in the Green Belt. In accordance with paragraph 144 of the NPPF this is given **substantial weight against** the development.

- 9.7 Paragraph 143 of the NPPF states that where a proposal would be inappropriate development in Green Belt that development should not be approved except in Very Special Circumstances (VSC). Paragraph 144 of the NPPF states that VSC will not exist unless the potential harm to the Green Belt by reason of its inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations. In terms of any other harm, it is considered that there is very limited harm to landscape character and limited harm to ecology, which is given **very limited and limited weight against** the development, respectively. This is discussed further in sections iv and v below.
- 9.8 The applicant advances that the proposal is appropriate development, they also put forward a case for VSC within the submitted Planning, Design and Access Statement which is set out below. The decision-taker has to exercise a qualitative judgment and ask whether the circumstances, taken together, are very special.
- 9.9 In relation to benefits of the scheme, the applicant has put forward a case for Very Special Circumstances (VSC) which are each is assessed in turn.

#### Need for Development

- 9.10 The Council's Tourism Plan indicates that Attractions and Entertainment accounts for £46 million of tourism spends in 2015, and it has been put forward that Legoland accounts for a significant proportion of this figure. It has therefore been put forward that the theme park is important locally and regionally in terms of the tourism economy. The leisure / tourism market is highly competitive commercial market, and there is cyclical investment into Legoland to keep with the latest trends to maintain its status as a leading regional theme park and the benefits to the local economy. Furthermore, in addition to maintaining visitor numbers, it has been put forward that the proposal would smooth visitor numbers over the season with two indoor (poor weather) attractions. This is accepted. Direct expenditure generated by visitors and tourism in the Borough in 2017 was £441.8 million and additional indirect and induced effects (which generate a further £124.7 million) translates to £566.5 million worth of income for local businesses. Legoland is one of Britain's most popular paid for tourist attractions with over 2.3 million visitors per year in 2018, and considered to contribute to the tourism value. Proportionally, this is given **moderate weight in favour** of the development.

#### Alternative Sites

- 9.11 A realistic fall back consideration is a material consideration. The proposal was considered in another location within Legoland under 17/01878/OUT (Project 5, New Rides Attraction). The applicant has put forward that there would be a neutral impact that would arise by relocating to the alternative site subject to this application. However, it would have been sited centrally within the resort under 17/01878/OUT and was considered to be appropriate development in Green Belt and therefore the impact on the Green Belt is not comparable. Therefore **no weight** is given.

#### Other Special Reasons



9.12 The third part of the VSC case advanced by the applicant are the other special reasons which they have identified. These are assessed below:

Case Made By Applicant	Officer Response
<p><u>Employment Effects</u> The direct operations jobs supported by Legoland include a combination of permanent and seasonal jobs, the total of which includes approximately 290 permanent jobs and over 1800 seasonal jobs. This equates to approximately 1163 full time equivalent jobs.</p> <p>The annual wage bill supporting the current operations, facilities and services amount to approximately £16.7million, 78% of which is retained in householders in the local area.</p> <p>The submitted Planning, Design and Access Statement that the development will create 20 jobs (permanent and seasonal).</p>	<p>It is considered that the estimate of 1,163 FTE and the estimate of 78% of wage expenditure being retained in local households is reasonable and robust.</p> <p>It is accepted that the proposal would maintain visitor numbers and thereby overall employment, in addition to creating 20 jobs (permanent and seasonal). This is given <b><u>moderate weight in favour</u></b> of the development.</p>
<p><u>Operational Expenditure</u> In addition to wage spending, the total expenditure on the supply of goods and services to Legoland is around £31million annually. Business Rates per year to RBWM amount of approximately £1.7million.</p>	<p>The expenditure on goods and services to Legoland in the local area has not been quantified, and due to the national profile and operations of the resort it is likely that the supply chain linkages would extend regionally and nationally. It is accepted that the proposal would maintain visitor numbers and thereby the viability of the business. Proportionally, this is given <b><u>moderate weight in favour</u></b> of the development.</p>
<p><u>Visitor Economy Impact</u> Legoland attracts a large number of visitors to Windsor, which has a strong positive impact on the local ecology with increase spending levels to other tourist attractions, local businesses etc.</p>	<p>It is considered that this is covered in the Need for Development to maintain visitor numbers and its contribution locally and regionally in terms of the tourism economy, which is given moderate weight in favour of the development. To avoid double counting this is given <b><u>no additional weight under other special reasons</u></b>.</p>
<p><u>Community Impact</u> Legoland undertakes a wide range of community and charity initiatives through their own programme and in partnership with other organisations which include donating approximately 8000 free tickets to Windsor School Pupils; free annual passes to RBWM foster care programme; setting up a charity partnership with Alexander Devine, the first</p>	<p>This is a benefit which weighs in favour of the proposal. However, no case has been put forward that the community and charitable benefits directly arise from the proposed development. However, it is accepted that the proposal would maintain visitor numbers and thereby the viability of the business. Proportionally, this is given <b><u>limited weight in</u></b></p>

Children's Hospice in Berkshire; and supporting Merlin's Magic Wand, an international charity that delivers magical days for seriously ill, disabled and disadvantaged children and families.	<b>favour</b> of the development.
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9.13 In addition to the above, while the proposal represents inappropriate development in the Green Belt and it is considered that the proposal would result in moderate harm to openness, it is not considered that there would be any conflict with the 5 purpose of the Green Belt set out in paragraph 134 of the NPPF. This is given **significant weight in favour** of the proposal.

Purpose of the Green Belt	Comment
To check the unrestricted sprawl to large built-up areas	The proposed development encroaches into open space within the site, but would be contained within the developed envelop of the resort. As such, the proposed development would not result in unrestricted sprawl to large built up areas.
To prevent neighbouring town merging into one another	The application site does not form part of the green gap between settlements, and therefore the proposal would not contribute to neighbouring town merging into one another.
To assist in safeguarding the countryside from encroachment	While the application site includes open space, the application site is not considered to represent countryside. The proposal therefore does not encroach into the countryside.
To preserve the setting and special character of historic town	The application site is located on the edge of Windsor and forms part of its parkland landscape, but the proposal is not considered to harm its setting and special character of the parkland landscape and therefore does not harm the setting and special character of Windsor.
To assist in urban regeneration by encouraging the recycling of derelict and other urban land	The rides and attractions require to be located with the resort, and comprises of previously developed land as defined in the NPPF. The proposal therefore does not conflict with this purposes.

9.14 It is considered that the harm to the Green Belt and any other harm identified in the report, which is set out below, is clearly outweighed by the VSC.

9.15 If minded to approve, it is recommended that this is subject to a S106 to ensure either the proposal under this application or project 5 under 17/01878/OUT is implemented but not both. This is because the VSC presented relies on the contribution of this proposal towards the tourism economy, employment and operational spend, and the community and charitable benefits. It has not been demonstrated that both, which could be implemented, is necessary to achieve the same.

**ii Character and Appearance Including Impact on Landscape Character**

9.16 Local Plan policy DG1 states that new development should not cause harm to the character of the surrounding area through development which results in the loss of important features which

contribute to that character. As a material consideration of significant weight, paragraph 124 and 130 of the NPPF advises that high quality buildings and places is fundamental to what planning should achieve and permission should be refused for development of poor design that fails to take the opportunity for improving the character and quality of the area.

- 9.17 The site is classified as 'Farmed Parkland' (3d Windsor Great Park West) in the Council's Landscape Character Assessment (LCA). The Windsor Great Park West landscape character includes mature parkland and deciduous woodland copses and belts on the periphery of the Crown Estate. The age of the parkland and woodland copses and link with Royal Patronage adds a historic and cultural dimension to the character of this landscape type. Legoland is located towards the centre of this landscape area, set within a wooded framework it is relatively screened from the wider landscape although there are long distance views of the area from Flemish Farm and Windsor Great Park (Queens Anne's Gate). The LCA advises that long distance views across the predominately undulating landscape, which are experienced by users on the roadways and footpaths within the locality, are important to the visual character of this identified type.
- 9.18 The Council's Landscape Strategy concludes that overall this landscape is largely intact and therefore its condition is considered to be excellent, while the capacity for change is low due to the extent of important natural features within it. In terms of issues for recreation and tourism, the Council's Landscape Strategy notes that Legoland is a large investor in tourism since it opened in 1996 but the pressure for new amenity and recreational facilities, in particular the incremental spread and increased tourist activity may have a potentially significant impact on landscape character. However, the Strategy goes on to advise on outline landscape strategies which the proposal broadly complies with. This includes the 'zoning' of visitor activities to avoid damage to sensitive areas, and the avoidance of development which would result in the loss of views across the landscape from surrounding routeways.
- 9.19 The new drop tower ride, play equipment and photo-opportunity building would be sited on land that currently comprises of 'Adventure Land' while the Main Attraction Building would be sited on land in ancillary use to the theme park, and therefore within the envelope of the theme park. It needs to be considered whether the loss of trees results in harm to the Parkland landscape character. The Council's Landscape Character Assessment identifies Legoland as part of the Parkland landscape, but it is considered that the Legoland incorporates its own distinct character. Veteran trees are part of this characteristic, but are to be retained and there are no objections in terms of impact by the proposal on their health and longevity as a result of the development. The impact on trees is assessed in section iv. In relation to the wider Parkland landscape, the Landscape Character Assessment identifies one of the key characteristics is the theme park being framed by woodland. It is considered that the proposal would not erode this characteristic and therefore acceptable in this respect.
- 9.20 In terms of general design and appearance, the overall height, form, scale, colours and materials are considered to be acceptable within the context of Legoland.
- 9.21 In terms of views, the application is supported by the Landscape and Visual Appraisal (LVA) which assesses the character, quality and value of the landscape and then considers the effects of the proposal. Based on visualisations the LVA demonstrates that there would be no effect on views from Windsor Great Park Queen Anne's Gate with only negligible views of the tops of the main attraction building from Windsor Great Park Cavalry Exercise Ground due to intervening woodland and landform. It is noted that no visualisations have been included from Flemish Farm or the south, but it is considered that direct views are likely to be minimal for the same reasons.

### **iii Heritage Assets**

- 9.22 The Windsor Great Park, a Grade I Registered Historic Park and Garden (RHPG), is a receptor of high significance and sensitivity; the boundary of the RHPG is located circa 300m to the south-east of the application site.

- 9.23 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 194 of the NPPF goes on to state that substantial harm to assets of the highest significance which includes Grade I registered parks and gardens, should be wholly exceptional and should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. Paragraph 196 of the NPPF states that where a development leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.
- 9.24 In this case, the proposal is not considered to result in any harm to the RHPG given the screening of the site and the separation distance between the two. As such, it is considered that the proposal is acceptable in this respect.

#### **iv Trees**

- 9.25 Local Plan policy N6 states that new development should wherever practicable allow for the retention of existing trees, include appropriate tree planting and landscaping, and where the amenity value of trees outweigh the justification for development planning permission may be refused. As a material consideration of significant weight, paragraph 170 of the NPPF states that planning decisions should recognise the intrinsic character of trees and woodland, while paragraph 175 states that development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland and ancient and veteran trees should be refused unless there are wholly exceptional reasons. With reference to the definition of veteran trees in Appendix 2 of the NPPF, it is considered that trees no. 3, 27, 32, 34, 45 and 46 on drawing ref: 1183-KC-XX-YTREE-TCPO1 Rev A, are veteran oaks. Appendix 2 of the NPPF defines an ancient or veteran tree as a tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species.
- 9.26 The north-western section of 'Adventure Land' is covered by a TPO that protects all Oak, Elm, Fir, Ash, Beech, Birch, Chestnut, Thorn and Poplar. The area to the south-east forms part of a Woodland TPO designation covering all species ref: 003/1963/TPO.
- 9.27 A Tree Survey and Impact Assessment has been submitted to support the proposal along with a Tree Constraints Plan, ref: 1183-KC-XX-YTREE-TCP01 Rev A and Tree Protection Plan, ref: 1183-KC-XX-YTREE-TPP01 Rev B.

#### Veteran Trees

- 9.28 There are veteran trees within the site (no. 3, 27, 32, 34, 45 and 46). Natural England's standing advice for Local Planning Authorities states that there could be direct and indirect impacts as a result of development such as damaging or destroying all or part of them or increasing disturbance to wildlife amongst other examples therefore a buffer zone is recommended. The buffer should be at least 15 times its stem diameter. The submitted Tree Constraints Plan, drawing ref: 1183-KC-XX-YTREE-TCP01 Rev A illustrates Natural England's recommended buffer, which has subsequently been confirmed as accurate and correct by the applicant. However, there is already development within the buffer zone of veteran trees. Natural England is silent in relation to buffers and previously developed land, but taking the pragmatic approach, it is considered that the situation should not be made any worse. In this case, drawing ref: LLWR-SA-XX-XX-DR-A-0016 P4, which illustrates the buffer in relation to proposed development, indicates new hardstanding of approximately 83sqm within the buffer zone of oaks no. 3 and 27. However, there would also be some gain in the removal of hardstanding and return of land to a natural state measuring approximately 97sqm. Together with measures to ameliorate the soil environment, it is considered that the buffer environment would not be significantly worse than the existing situation and therefore acceptable. If minded to approve, it is recommended that these measures are

secured by condition through the submission and approval of a Landscape and Ecology Management Plan. There is also minor gain in the buffer zone for oak no. 45 in the removal of a kiosk south of this tree.

- 9.29 The partially covered queue line area for the tower ride is within the buffer of veteran oak no. 32. Whilst this is over existing hard standing, there are likely to be some structural supports for the roof, which may require localised excavation to the outer edge of the buffer zone. If minded to approve it is considered that hand dig method of excavation within the buffer zone for this veteran oak should be secured by condition.

#### Other Trees

- 9.30 The proposal includes the loss of a few trees which are rated category C, which is one of the lower category of trees. In general category C trees should not impose a constraint on the development provided that their loss is adequately mitigated with replacement planting. Replacement and new tree planting is proposed in areas across the application site as shown on drawing ref: 591/38 5. The submitted Tree Survey and Impact Assessment states that this would result in a net gain of trees. The Tree Survey and Impact Assessment also recommends that native species are proposed. If minded to approve this can be secured by condition through a Landscape and Ecology Management Plan.

#### Totem Pole

- 9.31 The new tower ride is sited towards the centre of the site where there is currently a dead tree which has been retained and sculpted into a totem pole. There is a legal duty to replace trees that have died under S. 206 of the Town & Country Planning Act 1990 and the Council's Arboriculture Officer has advised that it is desirable for a replacement to be planted in the same place to link veteran oaks no. 45 and 46, which are within the Picnic Grove, with the band of the trees to the south-west (nos. 28-29 and 31-39). The Council's Arboriculture Officer considered that the absence of a replacement tree in this location would otherwise isolate oaks no. 45 and 46. Natural England's Standing Advice for Local Planning Authorities when assessing the impact of development upon veteran trees notes that an indirect impact of development can include the breaking up or destroying of connections between woodland and ancient or veteran trees. However, due to the modest separation distance from veteran oaks no. 45 and 46 to the bank of trees to the south-west the loss of the visual 'stepping stone' is only considered to cause **very limited harm** to the landscape character of the area.

#### Utilities

- 9.32 The new sustainable drainage pipe and flow control manhole to the south of the Main Attraction Building shown on drawing ref: LLWR-HBL-XX-XX-DR-D-0753 P02 is not considered to result in any unacceptable impact to the RPA of no. 33.
- 9.33 It is noted that no details have been submitted of any other additional underground utilities required but it is considered that there is sufficient space for underground utilities to be installed without incursion into the buffer and root protection area of existing and new trees within the site. To ensure this, submission and approval of underground utility details include their location can be secured by condition.

### **v Ecology**

#### Special Area of Conservation

- 9.34 The site lies within 5km and the zone of influence of Windsor Forest and Great Park Special Area of Conservation (SAC), which is a European Designated site. The primary reason for designation is the significance of old acidophilous oak woods, range and diversity of sapxylic invertebrates, and fungal assemblages. The Natura 2000 data form for Windsor Forest and Great Park reports

that the main threats relate to forest and plantation management and use; air pollution, invasive non-native species; and interspecific floral relations. Where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment to be made in view of that site's conservation objectives. Paragraphs 175 and 176 of the NPPF state that development resulting in the loss or deterioration of Special Areas of Conservation should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In this case given the nature of development the proposed development, alone and in combination with other development, is not considered to have a significant effect on Windsor Forest and Great Park, therefore an Appropriate Assessment is not required.

#### On Site Biodiversity

- 9.35 As a material consideration protecting and enhancing the natural environment forms part of the 'Environmental' dimension of 'Sustainable Development' and paragraph 170 of the NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 175(a) states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for then planning permission should be refused.
- 9.36 There are a number of mature trees on site, some of which have been classified as veteran, which are likely to provide valuable habitat. Natural England's standing advice for Local Planning Authorities states that there could be direct and indirect impacts as a result of development such as damaging or destroying all or part of them or increasing disturbance to wildlife amongst other examples therefore a buffer zone is recommended. In this case, there is already development within buffer for veteran trees, and while there would be some loss with the buffer zone there would also be an approximate area being returned to a natural state, which is considered to adequately maintain the buffer. If minded to approve, a condition is recommended to secure this and details of restoration.
- 9.37 There are also a small number of trees that are to be removed as part of the proposed development however there are no objections subject to like for like replacement planting to contribute towards biodiversity.

#### Bats

- 9.38 A submitted Preliminary Ecology Appraisal and Bat Survey confirms that all buildings within the proposed development area were recorded as having negligible potential to support bats, and therefore it was considered that no further survey on these structures were required.
- 9.39 Trees and tree stumps within the site were also assessed for the potential to support roosting bats and a number of trees and the carved totem pole were recorded as having the potential to support roosting bats. An emergence survey was subsequently undertaken which recorded a soprano pipistrelle emerging from the totem pole. However, to accommodate the new drop tower, the proposal will result in the loss of this feature which without mitigation would result in a significant ecological impact. No details of the mitigation has been provided as part of this application, but as the totem pole is to be removed a European Protected Species Licence from Natural England will be required as all species of bats receive special protection under UK law and it is a criminal offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (The Habitat Regulations), to deliberately or recklessly destroy or damage their roosts. To obtain a licence, appropriate mitigation would be required which should include details of the translocation of the carved structure or replacement of the roost, timings of the works, details and locations of the replacement roosts. If minded to approve it is recommended that this is subject to a condition requiring the developer to apply for and obtain a European Protected Species Licence from Natural England, and submit a copy to the Local Planning Authority.

### Lighting

- 9.40 While the development is located within the existing resort which incorporates high levels of lighting, there is a confirmed bat roost on site (the totem pole to be relocated) and several trees that have the potential to support roosting bats. If minded to approve it is therefore recommended that a wildlife friendly lighting strategy is prepared to ensure roosting, commuting and foraging bats will not be impacted as part of the redevelopment. If minded to approve details within a Landscape and Ecology Management Plan can be secured by condition.

### Invertebrates

- 9.41 The veteran trees within the site are likely to support invertebrates in addition to the tree stump located towards the south-east of the site which is identified as TN4 in the submitted Preliminary Ecology Appraisal and Bat Survey. The applicant has confirmed that the veteran trees with invertebrate interest will be retained as part of the development, and it is considered that their protection during construction work can be secured by condition. The tree stump will be relocated, but while it is desirable that this is left in situ this is only considered to cause **limited harm**. If minded to approve details of the removal and relocation of tree stump TN4 within a Landscape and Ecology Management Plan can also be secured by condition.

### Reptiles and Amphibians

- 9.42 The submitted Preliminary Ecology Survey reports that the application has negligible potential to support reptiles and amphibians and therefore no further survey for these groups of species are required.

### Biodiversity Enhancements

- 9.43 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity. The site is likely to have the potential to increase its biodiversity and could include native species planting, management of grassland for wildlife, incorporation of bird and bat boxes, and creation of log piles / hibernaculum. No details of biodiversity enhancements have been submitted as part of this application, but details to be included within a Landscape and Ecology Management Plan can be secured by condition.

## **vi Highways and Parking**

- 9.44 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards, policy P4 requires all development proposals to accord with adopted car parking standards, and policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking. As a material consideration, paragraph 109 of the NPP states that 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.

### Trip Generation

- 9.45 It is established that the principle of a new visitor attraction is not a visitor trip generator in itself. Past evidence presented by Legoland and accepted by the Planning Inspectorate indicates that visitor numbers do not automatically increase after investments in new attractions as new attractions would represent a small fraction of the overall draw. On this basis and in the absence of compelling evidence otherwise, it is considered the proposal would not result in a material increase in trips to the site. It is acknowledged that the highway network is under significant pressure at peak times however any increase in traffic generated by the proposal would not be significant in the context of the daily and seasonal fluctuations in flow and therefore would not be

materially harmful in itself or cumulatively to the operation of the local highway network. Additionally, it is noted that Legoland have been proactive with steps to manage trips to and from the site and part of their wider strategy is to encourage sustainable methods of travel.

#### Parking

- 9.46 For visitors Legoland currently has 3,143 permanent car parking spaces and 10 cycle stands, allowing parking for up to 20 cycles. There are no proposed changes to this provision. This is considered acceptable as it is considered that there is unlikely to be any material increase in trips to the site and thereby any additional demand for car or cycle parking.

#### Access

- 9.47 There are no changes to the existing access to the site or intensity of use, and so there are no concerns over highway safety that over and above the existing situation.

#### **vii Neighbouring Amenity**

- 9.48 Paragraph 127 of the NPPF states that planning decisions should create a high standard of amenity for existing and future users. The nearest residential properties to the proposal are located over 350m away to the north-west (Chestnut Drive, Gratton Drive, Fairlawn Park and St Leonards Hill). Given the significant separation distance, it is considered that the proposal would not result in any undue loss of light, visual intrusion or loss of privacy to the nearest properties nor create issues in terms of noise and disturbance.

#### **viii Sustainable Drainage**

- 9.49 Paragraph 165 of the NPPF states that major developments such as this should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. In this case, surface water run-off from all hardstanding and roof areas will be directed via underground gravity pipe network to an attenuation tank with a flow control device for controlled discharge to the existing 300mm diameter surface water sewer pipes via an existing manhole. This is considered to be acceptable in principle, but further details of the design, construction details and maintenance would be required. If minded to approve, it is recommended that a condition is imposed to secure this.

#### **ix Planning Balance**

- 9.50 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:*

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *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:*
  - i. *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*
  - ii. *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.*

- 9.51 Footnote 6 of the NPPF (2019) clarifies that section d(i) of paragraph 11 of the NPPF (2019) is not applied where '*policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*'. This includes Green Belt, and the proposal is considered to be inappropriate development in the Green Belt. However, for the reasons set out in section ix it is considered that there are very special circumstances to justify



the development. As such, and whilst the proposed development falls within a ‘*protect area(s) or assets of particular importance*’ there is no clear reason for refusing the proposed development on this basis. Accordingly the so-called ‘tilted balance’ is engaged.

- 9.52 The harm to the Green Belt is given **substantial weight against** the development by reason of inappropriateness in policy terms and moderate harm to openness. With removal of the totem pole/relocation of replacement tree there would be very limited harm in relation to landscape character, which is given **very limited weight against** the development. With the relocation of deadwood within the site there would be limited harm, which is given **limited weight against** the development.
- 9.53 The proposal would not conflict with any of the 5 purposes of the Green Belt, which has given **significant weight in favour** of the proposal. The proposal would also result in a number of economic benefits with its contribution to the tourism economy which is given **moderate weight in favour** of the development, employment which is given **moderate weight in favour** of the development, and operational expenditure which is given **moderate weight in favour** of the development. There are also community and charitable benefits, which is given **limited weight in favour** of the development.
- 9.54 It is considered that the proposal would be in compliance with national and local planning policies in relation to heritage assets, trees, highway and parking, neighbouring amenity or surface water flood risk, and therefore would not result in any harm. However, there are also considered to be no benefits, and would therefore carry **neutral weight**.
- 9.55 Overall, it is considered that the benefits would significantly and demonstrably outweigh the harm.

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

- 10.1 The Royal Borough of Windsor and Maidenhead implemented its Community Infrastructure Level (CIL) to help deliver the infrastructure needed to support development in the area in September 2016. In accordance with the adopted CIL charging schedule the development is CIL liable, but the chargeable rate is £0 per square metre.

## **11. CONCLUSION**

- 11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in section ix it is considered that in this instance the tilted balance should be applied. For decision making this means approving development proposals 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. However such assessments are considered to be academic. This is because for reasons set out above, Officers are of the view that if this application is determined in accordance with the normal test under section 38(6) of the 2004 Act the proposal is in general conformity with the Development Plan overall and that there are no material considerations of sufficient weight to justify refusal.

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

- Appendix A - Site location plan
- Appendix B – Proposed site layout
- Appendix B – Proposed Plans and Elevations

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

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

- 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 DG1, N1

- 4 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

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

- 5 All works involving excavation of soil, including foundations, erection of structural supports and the laying of services, within the buffer zone of retained trees as shown on drawing ref: LLWR-SA-XX-XX-DR-A-0016 PA shall be dug by hand.

Reason: To safeguard existing trees to be retained. Relevant Policies - Local Plan DG1, N6.

- 6 No development shall commence until a Landscape and Ecology Management Plan has been submitted to and approved by the Local Planning Authority. The Landscape and Ecology Management Plan shall set out the details of the creation, maintenance, and management of the biodiversity enhancements including native species planting, management of grassland for wildlife, incorporation of bird and bat boxes, creation of log piles and hibernaculars; details of a wildlife friendly lighting strategy for external lighting which should be prepared following Bat Conservation Trust guidelines and should include details of the prevention of increased lux and illumination levels within sensitive areas, avoidance of lighting in known or potential roosts, creation of dark corridors through the development, use of low sodium lamps or lamps with UV filters; details of the removal and relocation of deadwood stump marked TN4 in the Preliminary Ecological Appraisal and Bat Survey (July 2019); details of the removal of hardstanding and restoration to natural state of areas within the buffer zones as shown on drawing ref: LLWR-SA-XX-XX-DR-A-0016 PA including the amelioration of the soil environment and location and species to be planted which should be native; and details including location and species of replacement tree planting for the trees shown to be removed on drawing ref: LLWR-SA-XX-XX-SC-A-3001 PA and new trees which are proposed in areas shown in drawing ref: 591/38 5. The development hereby approved shall be implemented and maintained in accordance with the approved details.

Reason: In the interest of the health and longevity of existing trees, the character of the area, and biodiversity. Relevant Policies - Local Plan DG1, N1, N6 and Paragraph 170 and 175 of the National Planning Policy Framework.

- 7 A copy of the European Protected Species License for bats, issued by Natural England must be obtained and the development shall be carried out in accordance with the agreed license.

Reason: To ensure that the development will not harm the protected species and its habitat. Relevant Policies - Paragraph 170 and 175 of the National Planning Policy Framework.

- 8 Prior to commencement (excluding demolition) a surface water drainage scheme for the development, based on 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, locations, gradients, invert levels, cover levels and relevant construction details. Supporting calculations confirming compliance with, the Non-statutory Standards for Sustainable Drainage, and the agreed discharge rate of 5 l/s from Zone 1 of the proposed development, and the attenuation volumes to be provided. 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. Relevant Policies - Paragraph 165 of the National Planning Policy Framework.

- 9 Prior to the installation of underground utilities, details including their location shall be 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: To ensure that the any existing and new planting is not compromised. Relevant Policies - Local Plan DG1, N6.

### **Informatives**

- 1 Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to: <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>
- 2 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 3 If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://thameswater.co.uk/buildingwater).

# Appendix A – Site Location Plan



# Appendix B – Proposed Site Layout





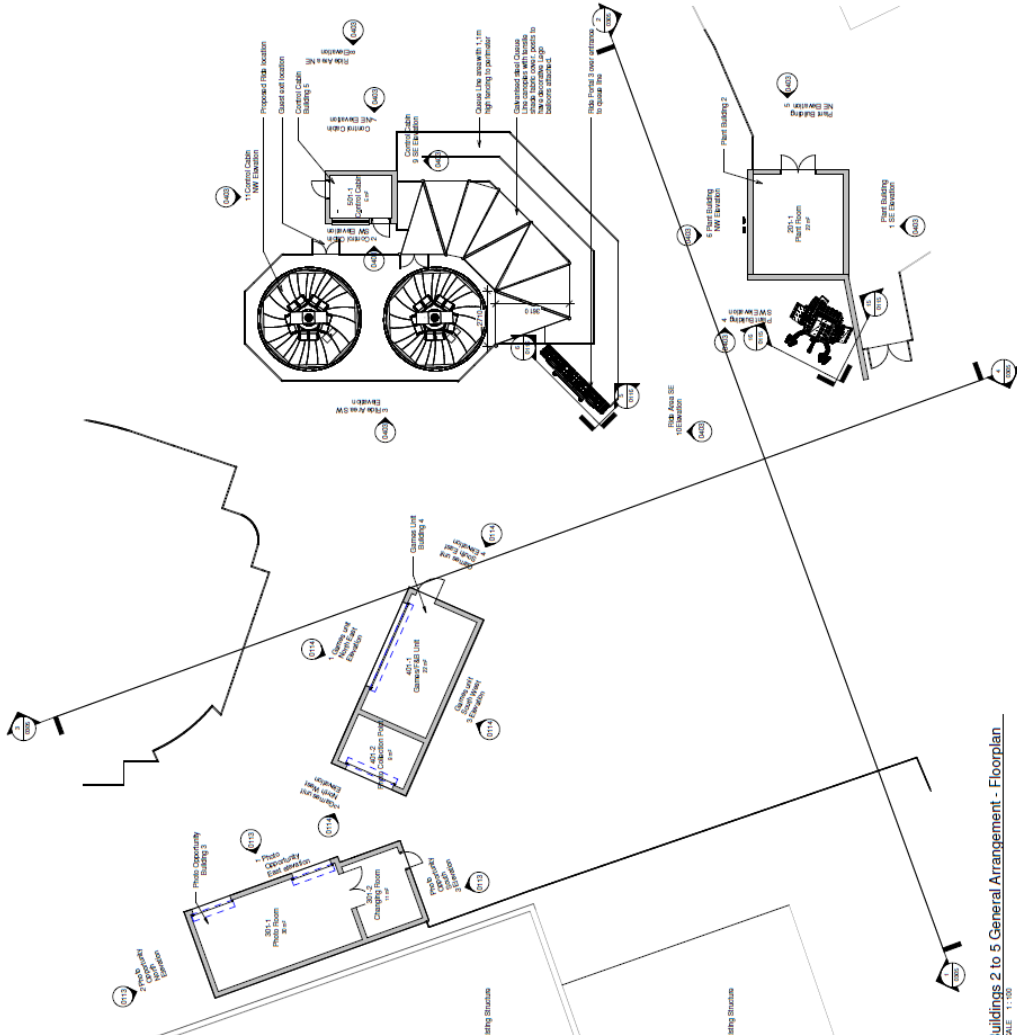
All heights, as set and dimensions should be checked on site by the contractor before any work is put in hand. The contractor shall be responsible for ensuring that all dimensions are correct and for any variations to the drawings. This drawing has been prepared in accordance with the CDM Regulations 2015 and the contractor shall ensure that all necessary precautions are taken to ensure the safety of all workers on site. The contractor shall be responsible for ensuring that all necessary precautions are taken to ensure the safety of all workers on site. The contractor shall be responsible for ensuring that all necessary precautions are taken to ensure the safety of all workers on site.

FLOOR	AREA	HEIGHT	TYPE	STATUS
2	201.1	1.1	FIRST FLOOR	AS SHOWN

FLOOR	AREA	HEIGHT	TYPE	STATUS
3	301.1	1.1	FIRST FLOOR	AS SHOWN

FLOOR	AREA	HEIGHT	TYPE	STATUS
4	401.1	1.1	FIRST FLOOR	AS SHOWN

FLOOR	AREA	HEIGHT	TYPE	STATUS
5	501.1	1.1	FIRST FLOOR	AS SHOWN



Buildings 2 to 5 General Arrangement - Floorplan  
SCALE 1:100

Project Name: Legoland Windsor - Merlin Entertainments  
Project Location: Legoland Windsor, Eastleigh, Hampshire, UK  
Project Ref: 2021  
Drawing Title: Building 2, 3, 4 & 5 General Arrangement

Client: Legoland Windsor - Merlin Entertainments  
Project Location: Legoland Windsor, Eastleigh, Hampshire, UK  
Project Ref: 2021  
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Project Ref: 2021  
Drawing Title: Building 2, 3, 4 & 5 General Arrangement

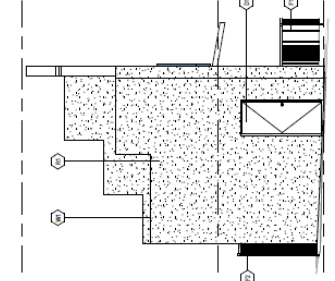


**SMYTHEMAN ARCHITECTURAL**  
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www.smytheman.co.uk

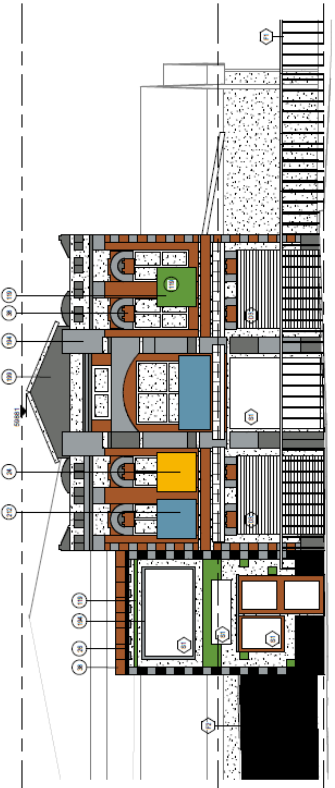
Building 2, 3, 4 & 5 General Arrangement  
Date: 07/10/18  
Checked: TM  
Job No: 3002  
Scale: 1:100 (B/A)  
Drawing number: LUM/18/0002/01A-0112  
Revision: 01

All heights, where not dimensions should be checked on site by the contractor before any work is put in hand.  
 All ground levels or site levels should be taken to the finished ground level.  
 This drawing has been prepared in accordance with the CDM Regulations and the contractor is responsible for ensuring that the design complies with the relevant provisions of the Regulations.  
 Where there is a conflict between the drawings and the specifications, the specifications shall prevail.

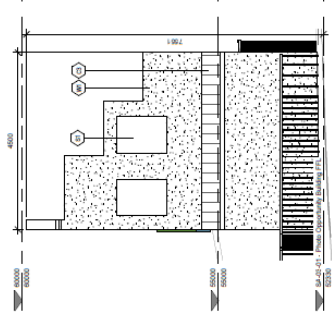
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2 Photo Opportunity North Elevation  
 SCALE: 1:10



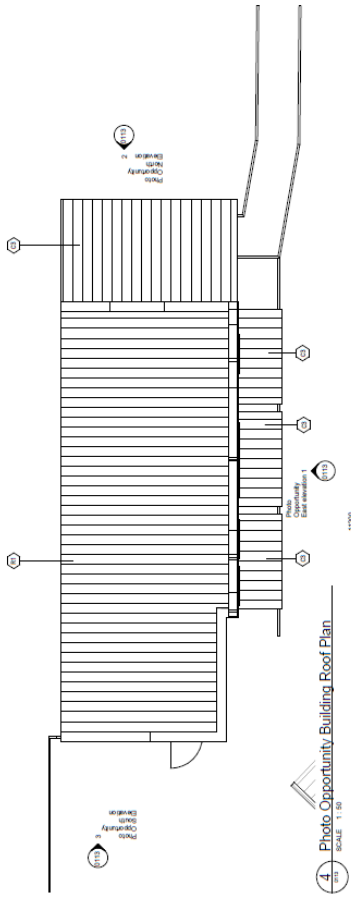
1 Photo Opportunity East Elevation  
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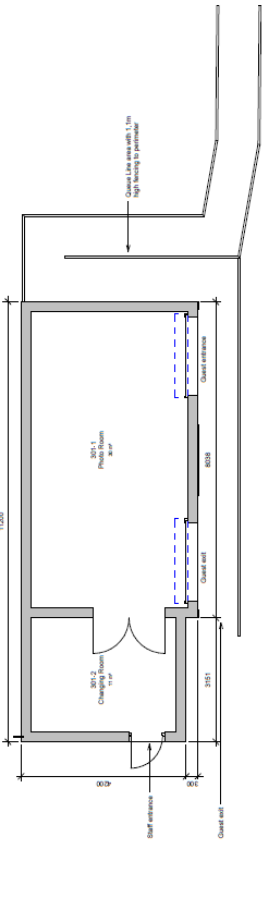
3 Photo Opportunity South Elevation  
 SCALE: 1:10

Key	Material
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Key	Material
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4 Photo Opportunity Building Roof Plan  
 SCALE: 1:50



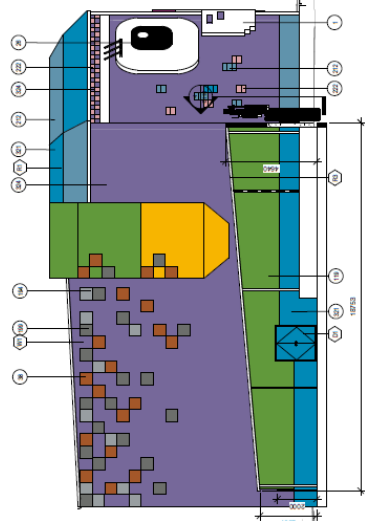
5 Photo Opportunity Building Floor Plan  
 SCALE: 1:10



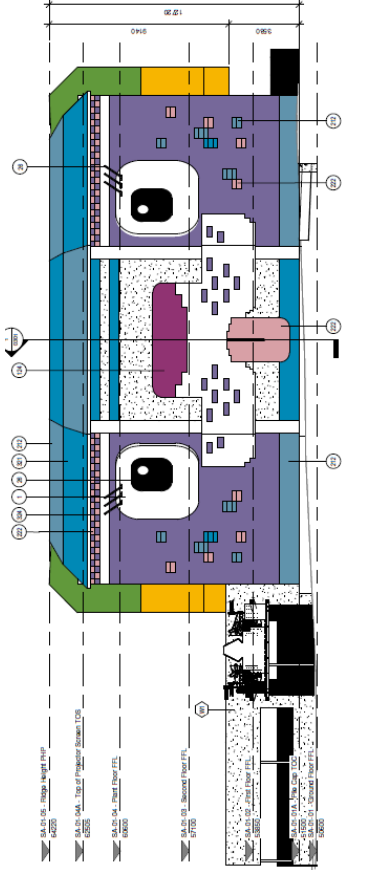


All heights, elevations and dimensions shown are checked on site. All drawings shall be based on the most recent drawings. All drawings shall be based on the most recent drawings. All drawings shall be based on the most recent drawings. All drawings shall be based on the most recent drawings.

Level Code conforms to:  
 BS 5606:1985  
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 BS 5606:1985



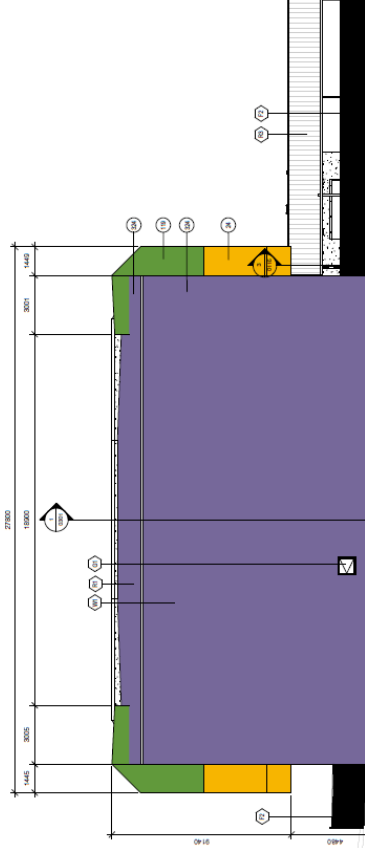
1 Main Building North Elevation  
 SCALE: 1:100



2 Main Building East Elevation  
 SCALE: 1:100



4 Main Building West Elevation  
 SCALE: 1:100



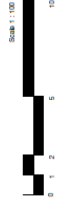
3 Main Building South Elevation  
 SCALE: 1:100

Key	Colour Legend
1	LARGE WHITE RAL 9003
24	LARGE BRIGHT YELLOW RAL 1023
25	LARGE BLACK RAL 9011
26	LARGE MEDIUM BLUE RAL 5015
119	LARGE BRIGHT YELLOW RAL 1023
124	LARGE BRIGHT BLUE RAL 5015
134	LARGE MEDIUM BLUE RAL 5015
138	LARGE MEDIUM BLUE RAL 5015
212	LARGE LIGHT PURPLE RAL 5015
222	LARGE LIGHT PURPLE RAL 5015
251	LARGE MEDIUM BLUE RAL 5015
254	LARGE MEDIUM BLUE RAL 5015

Key	Keynote Legend 01
C1	Canvas Type 1 - Snow Framed Canopy with Fabric Cover
C2	Canvas Type 2 - Snow Framed Canopy with Fabric Cover
C3	Canvas Type 3 - Snow Framed Canopy with Fabric Cover
D1	Double Glazed Glass Door
D2	Double Glazed Glass Window
F1	Fence Type 1 - 1.1m High Chain Link Fence
F2	Fence Type 2 - 2m High Barbed Wire Fence
G1	Groundwork

Key	Keynote Legend 01
H1	Hoop Type 1 - Knappan Topknot or similar approved
H2	Hoop Type 2 - Knappan Topknot or similar approved
H3	Hoop Type 3 - Knappan Topknot or similar approved
S1	Smooth Cast Stone Tiles
S2	Smooth Cast Stone Tiles
S3	Smooth Cast Stone Tiles
S4	Smooth Cast Stone Tiles
W1	Wall Type 1 - Smooth finished Wall

Key	Keynote Legend 01
H1	Hoop Type 1 - Knappan Topknot or similar approved
H2	Hoop Type 2 - Knappan Topknot or similar approved
H3	Hoop Type 3 - Knappan Topknot or similar approved
S1	Smooth Cast Stone Tiles
S2	Smooth Cast Stone Tiles
S3	Smooth Cast Stone Tiles
S4	Smooth Cast Stone Tiles
W1	Wall Type 1 - Smooth finished Wall



Client  
 Legoland Windsor - Merlin Entertainments  
 Project Location  
 Project Ref: 2021  
 Drawing Status  
 S4

Drawn  
 Checked  
 Job No.  
 Date  
 Rev. Code  
 By  
 Date

SMYTHEMAN ARCHITECTURAL  
 12 High Street  
 1st Floor  
 Legoland Windsor  
 Legoland Windsor Resort  
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 www.smytheman.co.uk  
 www.legoland.co.uk

Project Ref: 2021  
 Drawing Status  
 S4  
 Client  
 Legoland Windsor - Merlin Entertainments  
 Project Location  
 Project Ref: 2021  
 Drawing Status  
 S4

All heights, areas and dimensions should be checked on site by the contractor before any work is put in hand.  
 All areas and dimensions should be checked on site by the contractor before any work is put in hand. All areas and dimensions should be checked on site by the contractor before any work is put in hand.

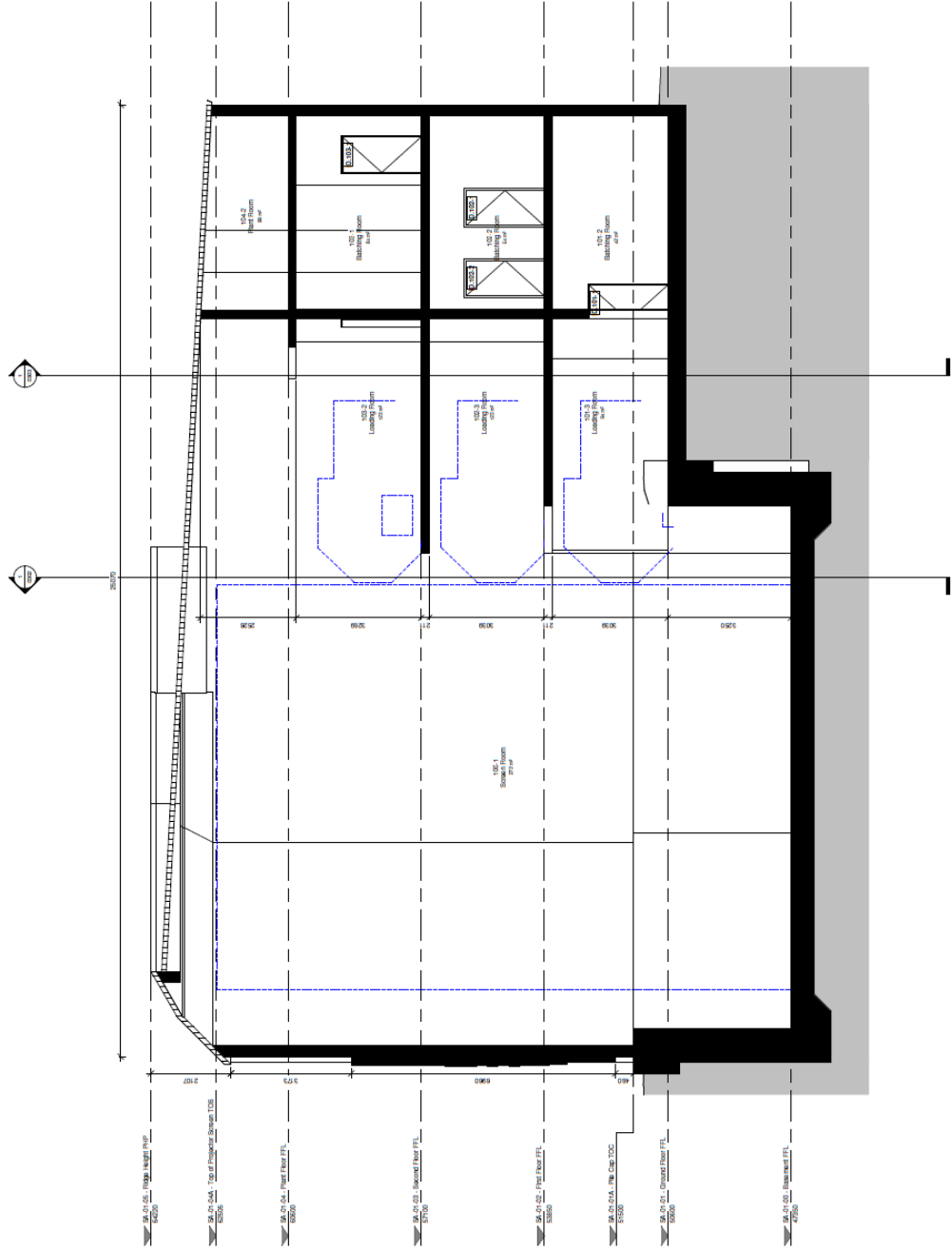
**Legend:**  
 A: Area  
 C: Contour  
 D: Dimension  
 L: Level  
 P: Point  
 R: Reference  
 S: Symbol  
 T: Title  
 W: Wall

Rev: 01  
 Date: 10/10/21  
 By: [Name]  
 Checked: [Name]

Project Location:  
 Legoland Windsor - Merlin Entertainments  
 Project Ref: 2021  
 Legoland Windsor Resort  
 Windsor  
 UK



Drawn: [Name]  
 Checked: [Name]  
 Job No: 2021  
 Scale: As Indicated (A1)  
 Drawing number: LUTW19A.02.001.DIM.A.0201  
 Revision: P3

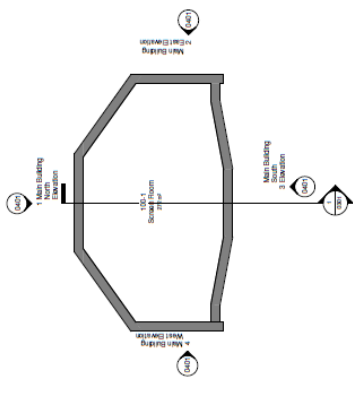


Scale: 1:50

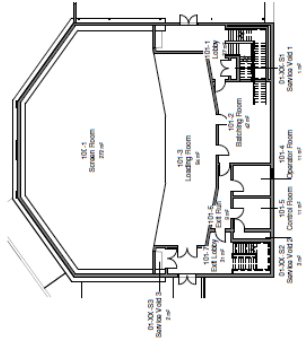
1 Building Section 1 - N/S Centre Line looking East

All heights, set out and dimensions should be checked on site by the contractor before any work is put in hand. The contractor shall be responsible for the accuracy of any and all areas or dimensions reported in the absence of error. This drawing has been prepared in accordance with the CDM Regulations and the contractor shall be responsible for the safety of any work carried out in accordance with the provisions of the Regulations. The contractor shall be responsible for the safety of any work carried out in accordance with the provisions of the Regulations. The contractor shall be responsible for the safety of any work carried out in accordance with the provisions of the Regulations.

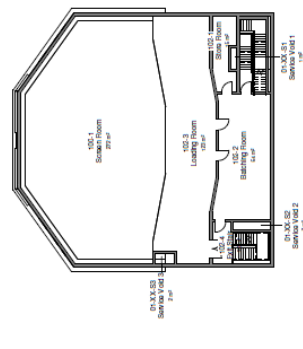
Note:  
 All works to be in full height unless specified otherwise



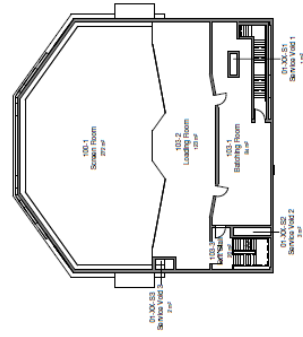
1 SA-01-00 - Basement FFL  
 SCALE: 1:200



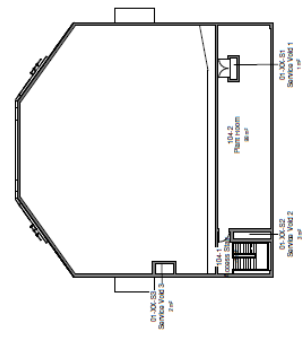
2 SA-01-01 - Ground Floor FFL  
 SCALE: 1:200



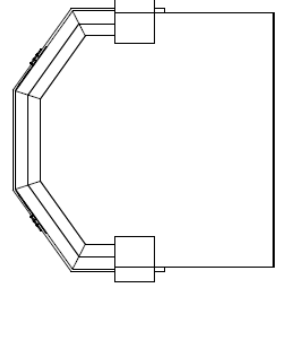
3 SA-01-02 - First Floor FFL  
 SCALE: 1:200



4 SA-01-03 - Second Floor FFL  
 SCALE: 1:200



5 SA-01-04 - Plant Floor FFL  
 SCALE: 1:200



6 Roof Plan  
 SCALE: 1:200

Floorspace Schedule - Building

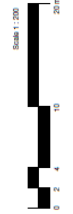
Room No.	Room Name	Area (sqm)	Volume (cu m)
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100-2	Main Extension	111.00	111.00
100-3	Main Building Extension	111.00	111.00
100-4	Main Building	111.00	111.00
100-5	Main Extension	111.00	111.00
100-6	Main Building Extension	111.00	111.00
100-7	Main Building	111.00	111.00
100-8	Main Extension	111.00	111.00
100-9	Main Building Extension	111.00	111.00
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100-98	Main Extension	111.00	111.00
100-99	Main Building Extension	111.00	111.00
100-100	Main Building	111.00	111.00

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Client  
 Legoland Windsor - Merlin Entertainments  
 Project Location  
 Legoland Windsor  
 Project Ref  
 Project Ref 2021  
 Drawing title  
 Main Building General Arrangement - Floor Plans  
 Drawing No.  
 S4  
 Rev. No. 1  
 Rev. Date 11/01/2021  
 Rev. By D. Smith

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**LEGOLAND**  
**WINDSOR**  
**SMYTHEMAN ARCHITECTURAL CIAT**  
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 Middlesex, Surrey  
 United Kingdom  
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 F +44 (0)181 581 2215  
 www.smytheman.co.uk

Client  
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 Rev. Date 11/01/2021  
 Rev. By D. Smith



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## DEVELOPMENT CONTROL PANEL

8 January 2020

Item: 7

<b>Application No.:</b>	19/02017/FULL
<b>Location:</b>	Land At Datchet Common Horton Road Datchet Slough
<b>Proposal:</b>	Use of the land as a Gypsy and Traveller site consisting of 9no. residential pitches 5no. Amenities blocks, 1no. Warden blocks, play area, entrance gates and associated parking.
<b>Applicant:</b>	Messrs Giles And Loveridge
<b>Agent:</b>	Dr Angus Murdoch
<b>Parish/Ward:</b>	Datchet Parish/Datchet Horton And Wraysbury

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

### 1. SUMMARY

- 1.1 The application seeks planning permission for 9 traveller pitches, 5 amenity blocks, a warden's block, new areas of hardstanding, parking areas, and a children's play area. The development is inappropriate development within the Green Belt. It is considered that the development would have a significant impact on the openness of the Green Belt, and would result in encroachment into the countryside. In addition, the application fails to demonstrate that the Sequential Test (in respect of flood risk) has been passed.
- 1.2 A decision by the Secretary of State on this land for 9 traveller pitches (which was dismissed) is a material consideration of significant weight in the determination of this application. This development proposes the same number of pitches as the scheme considered by the secretary of state and as such will have a similar impact on the openness of the Green Belt. The development is also inappropriate by definition, and would result in encroachment in the countryside, this harm to the Green Belt is given substantial weight. No very special circumstances have been put forward, nor is it considered that any very special circumstances exist that would clearly outweigh the harm to the Green Belt and the other harm identified.

<b>It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):</b>	
<b>1.</b>	The proposal represents inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. The proposal would also result in a significant impact on the openness of the Green Belt. No case for very special circumstances has been put forward and it is not considered that any very special circumstances exist that would clearly outweigh the harm caused to the Green Belt and the other identified harm.
<b>2.</b>	The sequential test has also not been undertaken and as such it has not been demonstrated that the development cannot be located in an area of lower flood risk.

### 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Larcome irrespective of the recommendation of the Head of Planning due to the Green Belt and Flooding issues at the site.

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

- 3.1 The application site is located between houses on the south-western side of Horton Road and south-eastern side of Cobb Close. A pallet storage yard is directly to the east of the site, as is a

spray booth, with associated car parking. A number of cars are currently parked on the land, however, this use does not benefit from planning permission.

- 3.2 The land is known as Datchet Common (as it formed part of the Datchet Common area) although it is not registered as Common Land and therefore does not provide this public function and the rights normally associated with common land do not apply here.
- 3.3 To the south-west of the site is the existing Mill Place Caravan site which provides 16 pitches.
- 3.4 The application site is within the Green Belt, and the flood zone.

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

- 4.1 Permission is sought for the use of the land as a gypsy and traveller site consisting of 9 pitches, 5 amenities blocks and a warden's office. Areas of parking, hardstanding and a play area for children are also proposed.
- 4.2 The pitches are approximately 15m x 15m each (including amenity blocks) with each amenity building around 6.5m x 6m. The amenity blocks would include two bathrooms and utility rooms. The utility buildings would sit under pitched roofs with a ridge height of around 3.7m. The warden's block measures 6 x 3.5m and also had a ridge height of 3.7m. No plans have been provided regarding the expected size of the mobile homes, however the concrete hardstanding laid out on each pitch for the mobile homes measures 12m x 6m. A play area is shown within the application site. Some additional tree planting is indicated. The site would be accessed by vehicles via an existing unnamed road which leads to Mill Place Caravan Park. An emergency exit is shown from the application site through to land with commercial uses on (within the ownership of the applicant).

Application Reference	Description of proposal	Decision
17/02404/FULL	Use of the land as a Gypsy and Traveller site consisting of 4 no. residential pitches, 2 no. Amenities blocks, 1 no Wardens block and play area	Refused on 1 <sup>st</sup> January 2018 – Appeal on going
17/02236/FULL	Adjacent to the application site is a planning application for the change of use of the land to the stationing/parking of vehicles	Withdrawn on 6 <sup>th</sup> December 2017
16/03681/FULL	Use of the land as a Gypsy and Traveller site consisting of 5 no. residential pitches plus 1 no. warden pitch, play area and three amenity blocks.	Withdrawn on the 26 <sup>th</sup> July 2017
14/01370/FULL	The use of land as a gypsy and traveller site consisting of 9 x pitches, 5 x utility buildings, play area, warden's office and associated works. Resubmission of planning application 13/02024	Dismissed by the Secretary of State on the 5 <sup>th</sup> July 2016.
13/02024/FULL	The use of land as a public gypsy and traveller site consisting of 10 pitches, 5 utility buildings, play area and associated works	Withdrawn on the 29 <sup>th</sup> April 2014.

- 4.3 The Secretary of State in considering the previous application (14/01370/FULL), also for 9 pitches, considered that the site was well related to local services and facilities, that walking, cycling and use of public transport would be realistic and practicable options, and that the occupiers of the site would be able to easily access education, health, welfare and employment infrastructure. This is still considered to be the case.

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

### 5.1 National Planning Policy Framework Sections

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

### 5.2 Department for Communities and Local Government

Planning Policy for Traveller sites (2015)

### **Royal Borough Local Plan**

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

Within settlement area	Green Belt	Trees	Flood Risk
DG1	GB1, GB2 (Part A)	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
Manages flood risk and waterways	NR1
Gypsies and Travellers	HO4

### **Borough Local Plan: Submission Version Proposed Changes (2019)**

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	QP5
Design in keeping with character and appearance of area	QP3
Manages flood risk and waterways	NR1
Gypsies and Travellers	HO4

5.4 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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

5.5 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of

that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.

5.6 These documents can be found at:

<https://www3.rbwm.gov.uk/blp>

### **Supplementary planning documents**

5.7 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)

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

5.8 Other Strategies or publications relevant to the proposal are:

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

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](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 Green Belt;
- ii Flood Risk
- iii Impact on character and appearance of the area;
- iv Highway safety;
- v Impact on amenities of neighbours;
- vi Other material considerations;
- vii The planning balance and the case of Very Special Circumstances;

### **Green Belt**

6.2 The National Planning Policy Framework (NPPF) details that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; it confirms that the essential characteristics of Green Belts are their openness and their permanence (paragraph 133). At



paragraph 134 it identifies five purposes for the Green Belt, the third being 'to assist in safeguarding the countryside from encroachment'.

- 6.3 At Paragraph 144, the NPPF stipulates that when considering any planning application, Local Planning Authorities should ensure that **substantial weight** is given to any harm to the Green Belt.
- 6.4 The NPPF sets out the forms of development which can be considered appropriate within the Green Belt in paragraphs 145 and 146. The material change of use of the land (which is what this development would amount to) is listed as an appropriate form of development within the Green Belt, however the Planning Policy for Traveller Sites 2015 (PPTS), which is to be read in conjunction with the NPPF is a material consideration in determining planning applications. Policy E of the PPTS is specific to traveller sites in the Green Belt and states that: "Traveller sites (temporary or permanent) in the Green Belt are inappropriate development". It states that 'subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances'. In addition the development required in association with the change of use such as: amenity blocks, warden blocks, gates/boundary treatment & hardstanding are not included within the list of appropriate forms of development within the Green Belt in the NPPF.
- 6.5 As set out by paragraph 143 of the NPPF, inappropriate development in the Green Belt is by definition, harmful and should not be approved except in very special circumstances. Furthermore paragraph 144 sets out that very special circumstances will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.6 The Local Plan was adopted well before the publication of the NPPF. The tests set out in Policy GB1 to determine whether a development would be inappropriate are not fully consistent with those in the Framework. This is seen in relation the erection of certain categories of buildings. Also, Policy GB2 (A) imposes an additional test with a view to safeguarding the openness of the Green Belt. Policies GB1 and GB2 (part A) of the Local Plan are consistent in part with the NPPF, and so are given weight, but not full weight in the determination of this application.
- 6.7 An essential characteristic of the Green Belt is its openness. The effect of the proposal on openness requires consideration because it is not an explicit part of the assessment as to whether or not the development types are inappropriate.
- 6.8 The site has an open quality despite the somewhat neglected appearance and the apparent loss of vegetation. The proposal would introduce a residential use, which would incorporate 9 residential pitches and up to 18 caravans, 5 amenity blocks, a warden's block, new areas of hardstanding, parking areas, and a children's play area. Given the above it is considered that the development would have a significant impact on the openness of the Green Belt and would also conflict with the purposes of the Green Belt by encroachment into the countryside. This was also the conclusion of the Secretary of State in the determination of application 14/01370/FULL which was also for 9 pitches.

### **Flood Risk**

- 6.9 The application site is within flood zones 2 and 3 (medium and high probability of flooding) and the Environment Agency advise that much of the site lies within flood zone 3b (functional flood plain), as identified within the Royal Borough of Windsor and Maidenhead Level 1 Strategic Flood Risk Assessment (SFRA).
- 6.10 In accordance with the requirements of National Planning Policy, the Sequential Test needs to be applied. The applicant refers to Cabinet reports dated 27<sup>th</sup> September 2012 and 24 January 2013, and to the Sequential Test undertaken by RBWM in 2014 which demonstrated that the Sequential Test had been passed. However, the sequential test undertaken in 2014 is now out of

date (some 5 years old), and there could be sequentially preferable sites that are available. The Local Planning Authority is not satisfied the current scheme passes the Sequential Test, and so the scheme fails on this element. As the Sequential Test has not been passed, no further assessment of the acceptability of the development in the flood zone is required.

- 6.11 Notwithstanding the above the use of the land for caravans in residential use is classed as 'highly vulnerable' in respect of flood risk, and this type of development should not be permitted in flood zones 3a and 3b, in accordance with the advice within the National Planning Practice Guidance. In addition a site specific flood risk assessment has not been submitted with the application, as required by paragraph 163 of the National Planning Policy Framework, which is vital to making an informed planning decision. Without a flood risk assessment the acceptability of the proposal and the resultant risks to the occupiers cannot be determined.
- 6.12 Furthermore, the scheme is for highly vulnerable development in food zones 3a and 3b, where such development should not be permitted, according to the flood risk vulnerability zone compatibility table within the National Planning Practice Guidance and the Environmental Agency raise an in principle objection.

#### **Impact on character of the area**

- 6.13 The site is a relatively enclosed area of land bordered on two sides by residential and commercial properties with the Mill Place Caravan Park located around 145 metres away. Given the proposed design of the scheme, inclusion of soft landscaping, location and characteristics along with surrounding uses, the proposal is not considered to have a detrimental impact on the character and appearance of the surrounding area.

#### **Highways**

- 6.14 Subject to the unnamed road being used as the main entrance to the site (access furthest south), the proposal is not considered to raise any highway objections given that there are no highway deficiencies in the immediate area or in the surrounding road network to prevent development taking place.

#### **Impact on amenities of neighbours**

- 6.15 The scheme is considered to result in an acceptable level of amenity for future residents, particularly given the inclusion of amenity space to the centre of the site. Considering the impact on neighbouring residents, the proposed residential scheme is considered to be compatible with the residential nature of the surrounding area. The separation distances (12 metres as a minimum) between the proposed pitches and amenity blocks with neighbouring residential boundaries would ensure that the proposal would not harm the amenities of neighbouring properties by reason of loss of privacy, loss of light, noise impact or being over bearing on adjoining properties.

#### **Other material considerations**

- 6.16 There are no Local Plan policies in relation to traveller sites. The Council is in the process of producing a Traveller Local Plan (TLP). This will set out how the Council will meet the future accommodation needs of the Traveller communities. The first stage of this was an Issues and Options paper which was published for 8 weeks consultation early this year (January to March 2019). This sets out a number of options for how to meet the identified need for different types of traveller.
- 6.17 The TLP Issues and Options paper sets out an indicative timetable and estimated that the draft version of the plan would be published in Autumn 2019, with proposed submission in Spring 2020.

- 6.18 The comments received to the Issues and Options consultation are still to be analysed and the next stage, the draft version of the Traveller Local Plan, will be published later than was anticipated at the time of the consultation on the Issues and Options paper. The focus of the Planning Policy Team is currently on progressing the Borough Local Plan. The Planning Policy Team will be progressing the Traveller Local Plan as soon as they are able to. More information on the timetable for the TLP will be published when the Local Development Scheme is next updated.

#### Future Occupiers

- 6.19 The best interests of the child is a consideration to be given significant weight. It was stated in the design and access statement submitted with the previous application 17/02404/FULL at paragraph 36 that 'given the evidence base in the recent needs assessments that local need arising from overcrowding on existing sites forms a larger part of the unmet need in the district, then weight should be given to this material consideration, so that families with local connections can stay close together'. This is considered further in paragraph 6.29 below.

#### Needs for traveller accommodation within the Borough

- 6.20 The LPA at this time of writing still has unmet need for traveller pitches and plots. The RBWM Gypsy and Traveller Accommodation Assessment (GTAA) published in 2018 found that, using the definition of Gypsies and Travellers set out in the Government's Planning Policy for Traveller Sites (PPTS) that there is a need for 26 pitches in the period 2017/18 to 2032/33. However, when the likely turnover of pitches on local authority sites during the plan period is taken into account, this results in a reduced residual need for 21 pitches over this period. Of the 26 pitches, 20 are required in the five year period 2017/18 to 2021/22. The GTAA also examined the broader need under the 'cultural' definition which encompasses all of those who are ethnically defined as Gypsies or Travellers. This showed a cultural need for 70 pitches in the five year period 2017/18 to 2021/22 and a 90 pitch need over the period to 2032/33. This decreases slightly to 85 pitches when expected turnover of pitches is factored in. It should be noted that the Council is required to meet the need based on the definition of Gypsy & Traveller in the PPTS, e.g. 21-26 pitches and not the wider cultural need 70-90 pitches.

#### Provision of a 5 year land supply of deliverable sites

- 6.21 The LPA accept that the Council cannot demonstrate that there is a 5 year supply of deliverable Gypsy/Traveller sites. Once the Council has decided on a pitch target for the Traveller Local Plan, it will be possible to examine five year supply issues in more detail, but at this stage the Council has not calculated how many pitches are required to meet the 5 year supply.

#### Secretary of State Decision

- 6.22 A material consideration that is given significant weight in the determination of this application is the decision by the Secretary of State in 2016 to dismiss a scheme on the same land. The Secretary of State made the following conclusions:

*'The Secretary of State considers that, in accordance with national policies, Traveller sites in the Green Belt are inappropriate development which should not be approved except in very special circumstances. The Secretary of State concludes that the harm caused by the proposal by reason of inappropriate development, the harm to the Green Belt through loss of openness, and the conflict with one of the purposes of the Green Belt through encroachment into the countryside should be accorded substantial weight.'*

*'... concludes that the factors weighing in favour of the development are insufficient to clearly outweigh the harm to the Green Belt, which the proposal would cause such that very special circumstances exist, taking into account the additional harm he finds by way of loss of openness in the Green Belt. He therefore concludes that a permanent planning permission is not justified.'*

### **Other considerations**

- 6.23 The impact of a development on the price of house insurance is not a material planning consideration.
- 6.24 The development is CIL liable, and this would contribute to infrastructure provision. The comment about the capacity of the sewerage system is noted, this would not be a reason to refuse planning permission in itself for a development of this scale. The sewerage provider may require improvements which would be secured outside the planning process.
- 6.25 Concern has been raised over the impacts on ecology at the site, however, it is not considered that the site is of ecological value to require an ecology survey.

### **Planning Balance and the Case of Very Special Circumstances**

- 6.26 It has been concluded that the development constitutes an inappropriate form of development in the Green Belt which is harmful by definition and substantial weight needs to be given to this harm. It is considered that the development would result in encroachment into the countryside, and that the development would have a significant impact on the openness of the Green Belt.
- 6.27 The development would also result in other harm. The application has not demonstrated that the Sequential Test has been passed, as required by National Planning Policy. Furthermore a site specific flood risk assessment has not been submitted with the application and the flood risk associated with the development cannot be properly considered. Flood risk is given moderate weight in the consideration of this application.
- 6.28 A case for very special circumstances has not been put forward in support of this application. Within the previous application 17/02404/FULL a case for very special circumstances was put forward which is also the same case as that considered by the secretary of state in 2016, this included:
- 1 The need for further sites for Gypsies and Travellers nationally, regionally, locally and personally for local families in need of site provision (this was given significant weight),
  - 2 The unavailability of suitable, affordable, acceptable alternative site(s) (this was given considerable weight),
  - 3 The best interests of the children (this was given significant weight),
  - 4 Deficiencies with Development Plan policy provision for Gypsy and Traveller caravan sites in the area (this was given limited weight),
  - 5 The lack of a 5 year supply of deliverable sites (this was given limited weight), and
  - 6 That it is highly likely that any future site would also be in the Green Belt (this was given limited weight).
- 6.29 As set out in the PPTS, personal circumstances and unmet need are unlikely to outweigh harm to the Green Belt and any other harm so as to establish VSC.
- 6.30 In respect of the absence of the Council having an up to date 5 year supply of traveller sites, and deficiencies in the development plan, these are considerations which are given weight, but only limited weight. The unmet need for traveller pitches within the Borough is given significant weight.
- 6.31 The lack of alternative sites is given considerable weight.

6.32 The refusal of planning permission may have some impact on the best interests of the children is given significant weight in principle, notwithstanding the paucity of information relevant to this VSC.

6.33 It is not considered that the Very Special Circumstances put forward or other considerations would outweigh the identified harm to the Green Belt, and the other harm in respect of flood risk. This is also in accordance with Secretary of State's decision who concluded as follows:

*"55. The Secretary of State recognises that refusing this application is likely to result in some Gypsy families not receiving pitches on which to live in circumstances where there is significant local need and an absence of alternative sites.*

*56. The outcome would not lead to the direct loss of any homes, although the Secretary of State accepts that Article 8 rights are capable of being interfered with even in caravans are not already stationed on the land. He agrees that there is a possibility that the site would provide pitches for families currently living in overcrowded conditions at Mill Place 1, or other individuals in similar or worse circumstances. The Secretary of State concludes that refusing to grant planning permission would have a negative impact through overcrowding and failing to facilitate the Gypsy way of life.*

*57. He also recognises that refusing to grant this application may also impact on some children and/or the elderly (age being a protected characteristic) through overcrowding and failing to facilitate the Gypsy way of life, and as such would have an impact on the best interests of children.*

*58. However, against these impacts he weighs the public interest objectives of protecting the environment, including the highly protected Green Belt, and the policy considerations of preventing vulnerable development on land prone to flooding. As such he concludes that, taking into account the best interests of the child, his decision to refuse planning permission is proportionate and justified in the circumstances."*

6.34 Officers have also considered whether the granting of a temporary permission would be acceptable but the weight attributed to the VSC as described in this report would not clearly outweigh the harm to the Green Belt and flood risk even for a temporary period. This is also in accordance with the SoS conclusions in the determination of application 14/01370/FULL.

6.35 The LPA in making their recommendation has had due regard to the requirements of section 149 of the Public Sector Equality Duty 2010, the best interests of the child and the need to eliminate discrimination, advance equality of opportunity and foster good relations between those with protected characteristics and those who do not. The proposed site would be restricted to use by Gypsies and Travellers and as such the outcome of this application is likely to have an impact on the identified racial group of Gypsies and Travellers. The impacts are likely to be on Article 8 rights and in this regard and in coming to this recommendation officers have considered the provision of and need for sites and the lack of alternative sites.

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

7.1 The proposal is CIL liable, however no CIL forms have been submitted at this stage.

## **8. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

76 occupiers were notified directly of the application.

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

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

	Comment	Where in the report this is considered
1.	The proposed development would result in a very significant loss of privacy to properties within Horton Road and Cobb Close.	Paragraph 6.15
2.	The development is likely to result in a significant level of noise and disturbance.	Paragraph 6.15
3.	Any further development will add to the serious congestion and parking problems existing in the village, resulting in additional danger to pedestrians.	Paragraph 6.14 – Also see Highway Authority comments below
4.	The sewerage infrastructure to the rear of Horton Road is already inadequate and any further development will only exacerbate the annual flooding resulting from the pressures on this system.	Paragraph 6.24
5.	The proposal is inappropriate within the Green Belt. Green Belt land should be protected.	Paragraphs 6.2 – 6.8
6.	The proposal will have an unacceptable impact on flooding	Paragraphs 6.9 – 6.12
7.	Concerns raised regarding the impact and stress the development will have on the services and amenities within Datchet.	Paragraph 6.24
8.	The site is already being used unlawfully for the storage of hundreds of cars.	This application has to be assessed on its own merits
9.	The development will result in the loss of wildlife and biodiversity.	6.25
10.	The development will result in a drop in air quality.	No objections have been raised by Environmental Protection in this regard
11.	Light pollution will result from security lighting on site.	No security lighting is shown on the plans. Light pollution is unlikely to significantly impact neighbours.
12.	The development will result in increased house insurance costs due to location of proposed traveller accommodation.	Paragraph 6.23
13.	The application is very similar to the 14/01370 proposal that was rejected by the secretary of state.	See paragraph 6.22
14.	The current scheme will have 9 static buildings, 3 brick amenity blocks, 9 travelling caravans, 1 warden office, 1 raised platform and upwards of 20 cars caravans.	Noted.

15.	As the Inquiry discussions took place regarding the likely level of development on the land and alongside the main static caravan pitches there was also space for a touring caravan on each pitch site as it was claimed by the travellers that they would travel at times during the year. In addition, brick built amenity blocks are proposed and the whole site is raised up on a concrete base. All these elements impact on the openness of the Green Belt.	Noted.
16.	Historically it was claimed that there were no sequentially better sites. Since the Inquiry, the Council has published its draft Local Plan. One main site identified for housing by the Borough is Maidenhead Golf Course site HA6, which is identified for 2,000 houses. It is understood that this site is owned by the Council. In any event, on such a strategic housing site, an allocation for part of the site for Gypsy Traveller pitches, alongside the other identified needs of the Borough i.e. affordable housing, should be made.	6.10 6.16-6.19
17.	National Planning Policy sets out that traveller sites should be identified through the Local Plan process, not through planning applications.	Noted, however, the application has to be considered on its merits.

1 letter was received in support of the application summarised as:

Comment		Where in the report this is considered
1.	The RBWM have a shortfall of Gypsy and Traveller sites.	Paragraphs 6.20 and 6.21
2.	The site had already been approved for 9 pitches in 2017 but was then refused by the secretary of state – since then no new sites have been identified or approved.	6.22
3.	A very important factor in planning policy must be understanding of the family in GRT culture. Splitting families into different parishes or Boroughs would likely cause problems. The proposed site would provide accommodation for the extended families of residents of the existing Mill Place site.	Paragraph 6.29
4.	The proposed site appears to comply with the design principles set out in Designing Gypsy and Traveller Sites Good Practice Guide (Department for Communities and Local Government, May 2008)	Noted
5.	Originally it was proposed that new sites suitable for 5 – 10 pitches should be established but with a restriction that these sites are for the local Gypsy and Traveller families.	Noted
6.	Location of Gypsy community sites should be within easy access of Village amenities. We also believe that it is beneficial to the Gypsy and wider community of these sites are on the periphery of the Village centre. This site meets both those objectives.	Noted
7.	We believe that approval for this new site is essential for the existing Gypsy Community and the wider Datchet Community.	Noted

#### Other consultees

Consultee	Comment	Where in the report this is considered
<b>Highway</b>	The proposal would not place an undue burden on the	Paragraphs

<b>Authority</b>	local highway network, nor require improvements to the local highway infrastructure. Recommends a condition with regards to refuse storage if the Local Planning Authority are minded to approve the application.	6.14
<b>Berkshire Archaeology</b>	The application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. Recommends a condition securing a written scheme of investigation for archaeological works prior to commencement.	Noted
<b>Environmental Protection</b>	Recommends conditions relating to contaminated land, construction working hours and collection and delivery hours.	Noted
<b>Environment Agency</b>	Object to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located and because a flood risk assessment has not been submitted in support of the development.	Paragraphs 6.11 – 6.12
<b>Trees</b>	Objects as most of the vegetation on site has been cleared and replaced with hard standing, and it is therefore important that the majority of what remains of soft ground trees/scrub is retained intact. Further pressure to remove trees could result from overshadowing of windows in the mobile homes.	There are no protected trees on site and the loss of trees has not been raised as an objection in the previous application. New landscaping is shown as part of the proposal.
<b>Parish Council</b>	No objection to this application.	Noted

## 9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site plan
- Appendix C – Elevations and floor plans

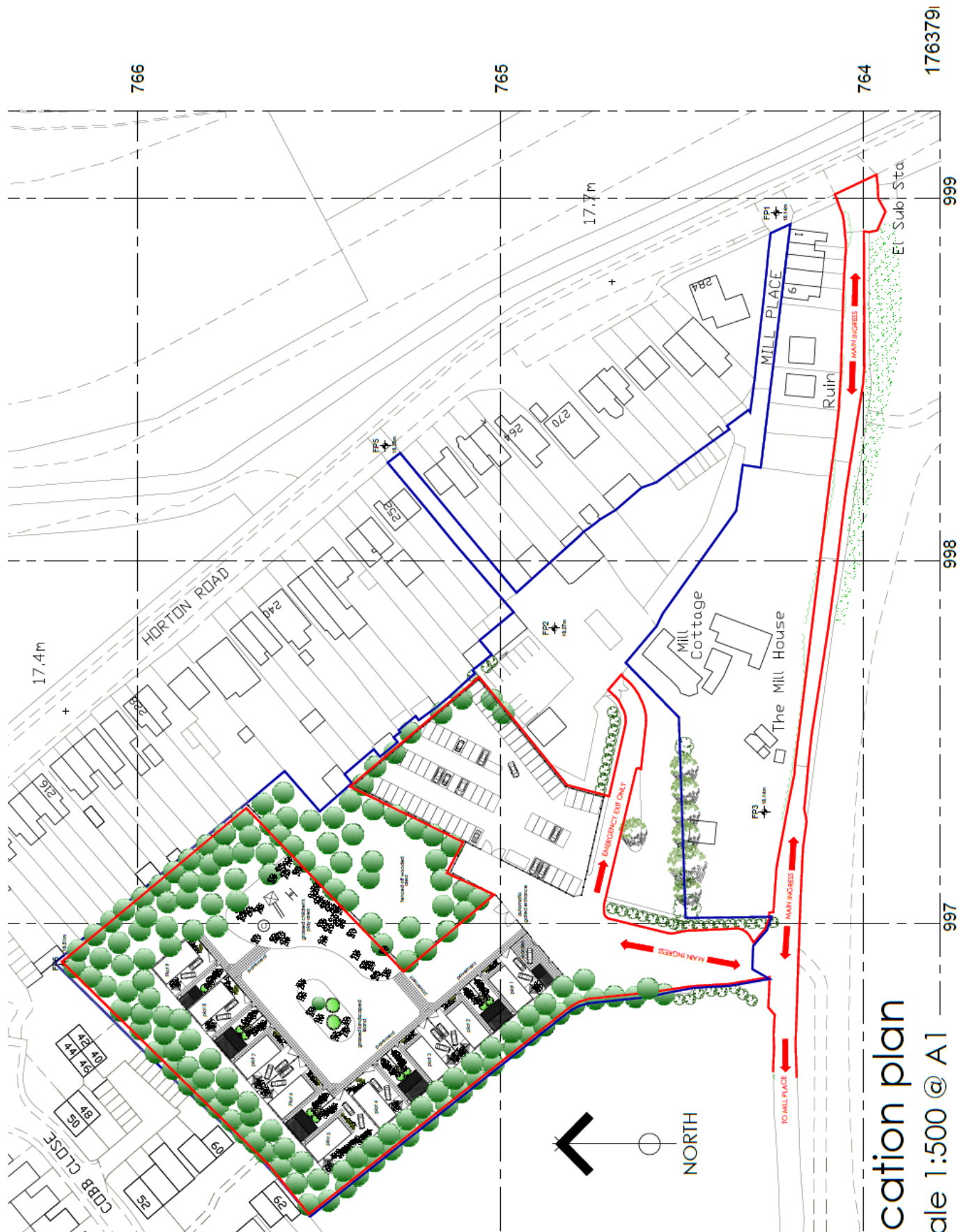
## 10. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal represents inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and this should be given substantial weight. The proposal would also result in a significant impact on the openness of the Green Belt. No case for very special circumstances has been put forward and it is not considered that any very special circumstances exist that would clearly outweigh the harm caused to the Green Belt and the other identified harm. The development fails to comply with saved Policies GB1 and GB2 (Part A) of the Royal Borough of Windsor and Maidenhead Local Plan (June 2003), and conflicts with Paragraphs 133 and 134, and 143 - 146 of the National Planning Policy Framework and the allied National Planning Policy for Traveller Sites (August 2015).
- 2 The sequential test has not been undertaken and as such it has not been demonstrated that the development cannot be located in an area of lower flood risk. Furthermore no flood risk assessment has been submitted in support of the application. The site is situated within flood



zone 3b functional floodplain and 3a (high risk flooding). The units are classed as a highly vulnerable use, and such a use is identified as inappropriate development within these flood zones, as set out in the National Planning Practice Guidance and the Royal Borough of Windsor and Maidenhead Strategic Flood Risk Assessment. .The scheme conflicts with Paragraphs 157 and 163 of the National Planning Policy Framework, and Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted 2003).

# Appendix A—Site location plan

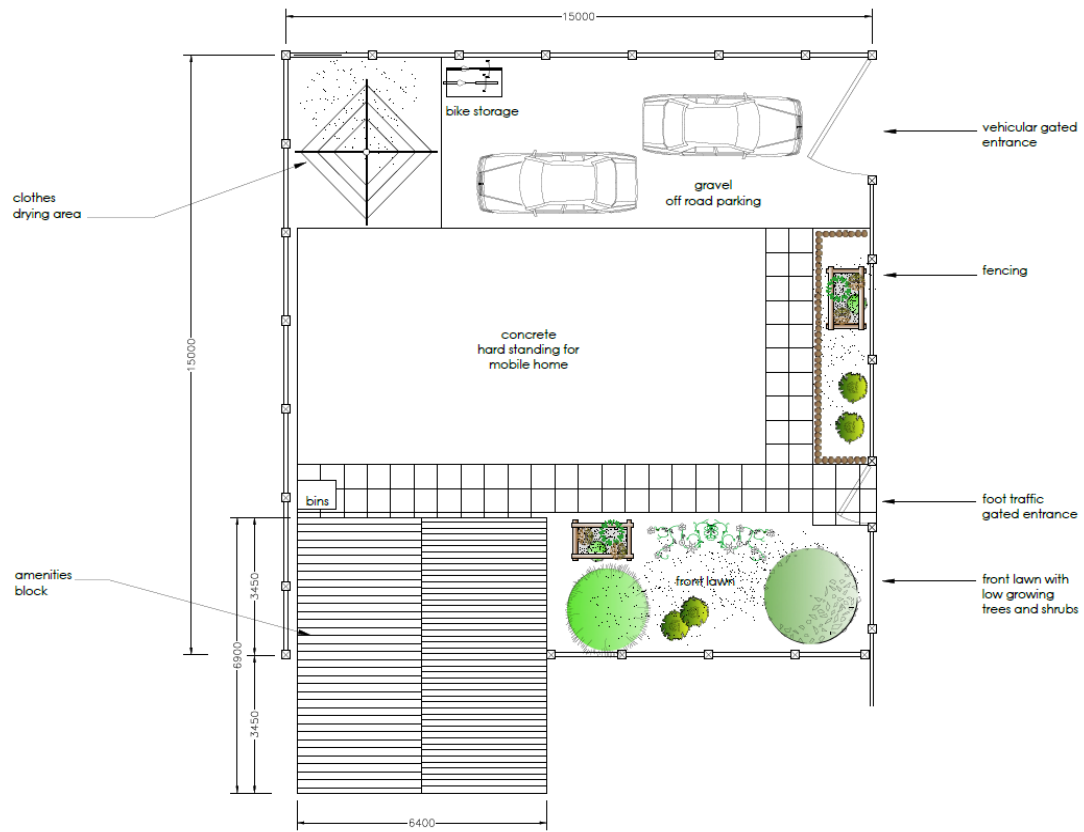


location plan  
scale 1:500 @ A1

**Appendix B—Proposed site plan**



# Typical plot layout

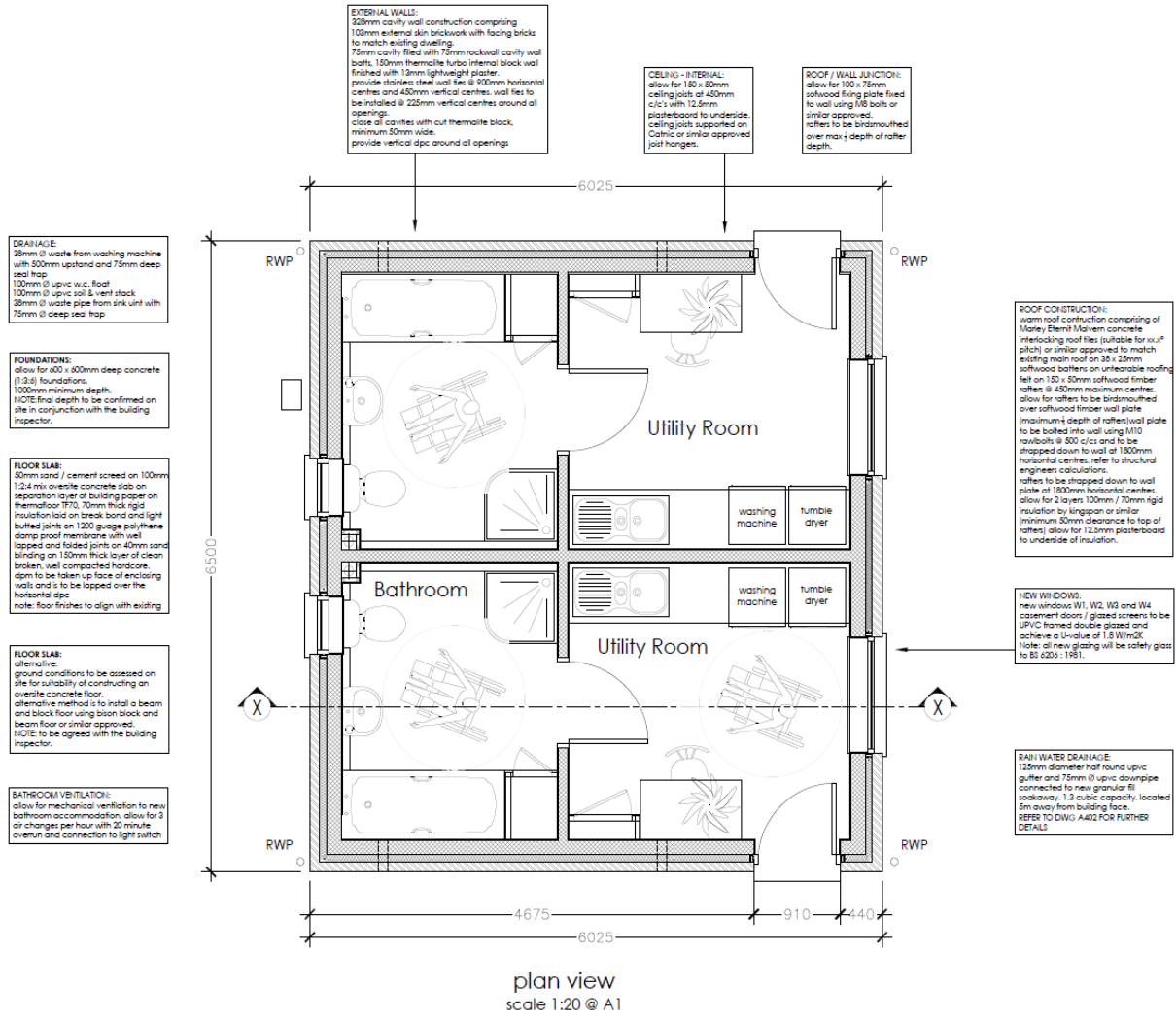


typical plot layout  
scale 1:50 @ A1

AMENITIES BLOCK

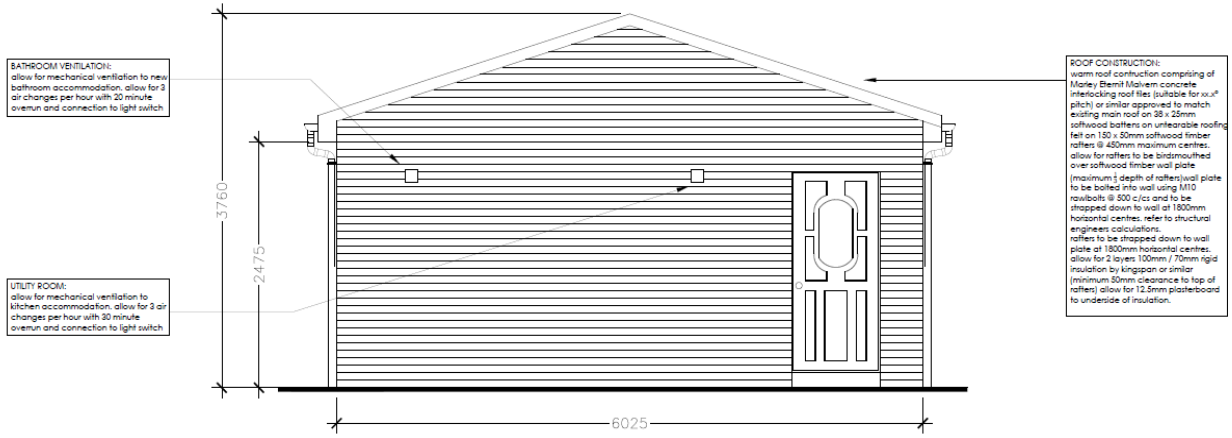
# Appendix C— Elevations and floor plans

## Amenities block— floor plan



AMENITIES BLOCK

# Amenities block— elevations



**BATHROOM VENTILATION:**  
allow for mechanical ventilation to new bathroom accommodation, allow for 3 air changes per hour with 20 minute overrun and connection to light switch

**UTILITY ROOM:**  
allow for mechanical ventilation to kitchen accommodation, allow for 3 air changes per hour with 30 minute overrun and connection to light switch

**ROOF CONSTRUCTION:**  
warm roof construction comprising of Masley Eternit Maxitem concrete reinforcing roof tiles (suitable for 30° pitch) or similar approved to match existing main roof on 38 x 25mm softwood battens on unventilated roofline. allow for rafters to be birdsmouthed over softwood timber wall plate (maximum 3 depth of rafter/wall plate to be bolted into wall using M10 rawbolts @ 500 c/c) and to be stopped down to wall at 1800mm horizontal centres. refer to structural engineers calculations. rafters to be stopped down to wall plate at 1800mm horizontal centres, allow for 2 layers 100mm / 70mm rigid insulation by Kingspan or similar (minimum 50mm clearance to top of rafters) allow for 12.5mm plasterboard to underside of insulation.

elevation A - A  
scale 1:20 @ A1



**NEW WINDOWS:**  
new windows W1, W2, W3 and W4 casement doors / glazed screens to be UPVC framed double glazed and achieve a U-value of 1.8 W/m²K. Note all new glazing will be safety glass to BS 4204 - 1991.

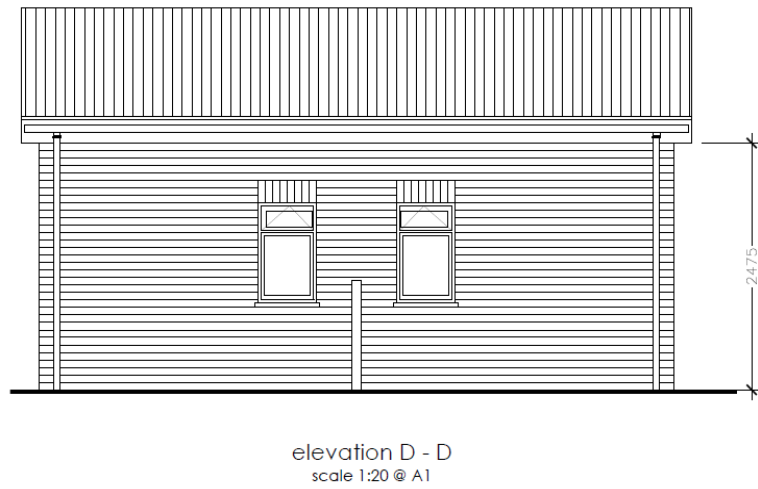
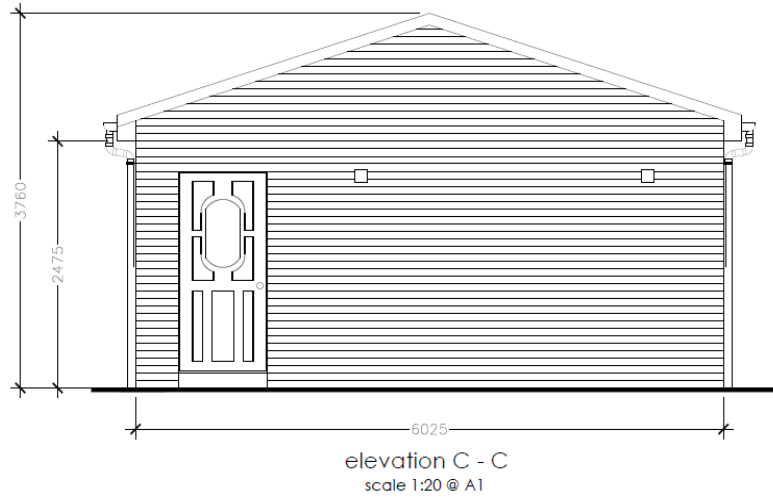
**RAIN WATER DRAINAGE:**  
125mm diameter half round upvc gutter and 75mm Ø upvc downpipe connected to new granular fill soakaway, 1.8 cubic capacity, located 5m away from building face. REFER TO DWG A402 FOR FURTHER DETAILS

**EXTERNAL WALLS:**  
225mm cavity wall construction comprising 102mm external skin brickwork with facing bricks to match existing dwelling. 75mm cavity filled with 75mm rockwool cavity wall batts, 150mm thermalite turbo internal block, wall finished with 13mm lightweight plaster. provide stainless steel wall ties @ 900mm horizontal centres and 450mm vertical centres. wall ties to be isolated @ 225mm vertical centres around all openings. close all cavities with cut thermalite block, minimum 50mm wide. provide vertical dpc around all openings.

elevation B - B  
scale 1:20 @ A1

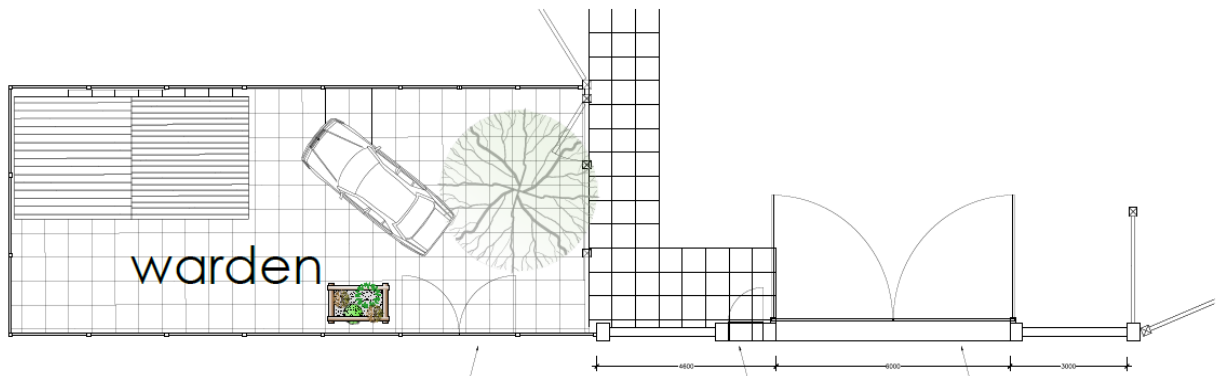
AMENITIES BLOCK

# Amenities block— elevations

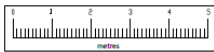


AMENITIES BLOCK

# Wardens block plan and gates



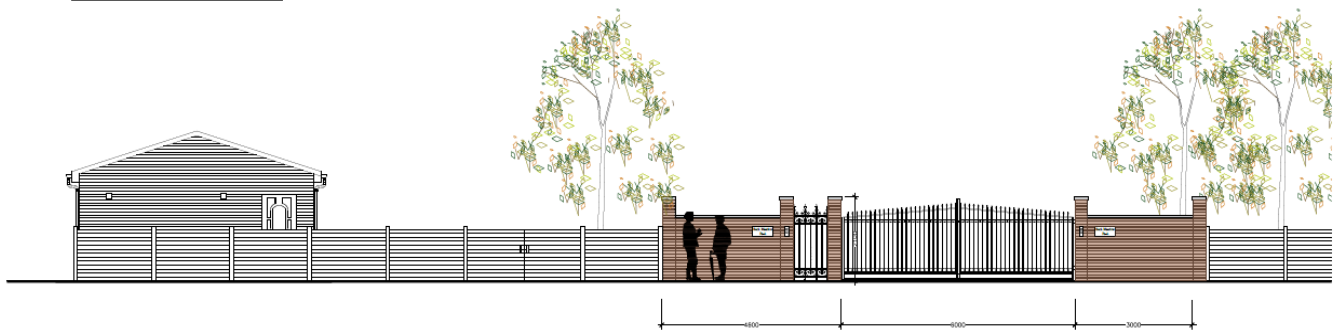
plan of entrance  
scale 1:50 @ A1



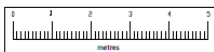
WARDEN ENTRANCE GATES:  
Manual opening entrance gates.  
Timber gates, finished to match  
timber fencing.

PEDESTRIAN ENTRANCE GATE:  
Manual opening entrance gate.  
Finished glass block.

VEHICULAR ENTRANCE GATES:  
Metal, automatic electric  
entrance gates.  
Inward opening.  
Finished glass block.



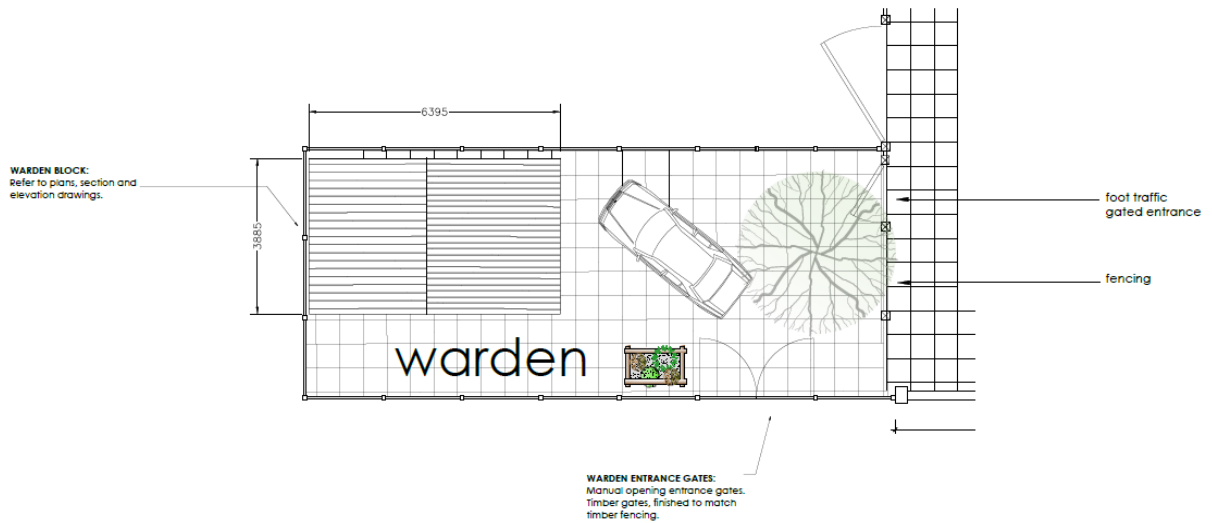
elevation of entrance  
scale 1:50 @ A1



ENTRANCE GATES



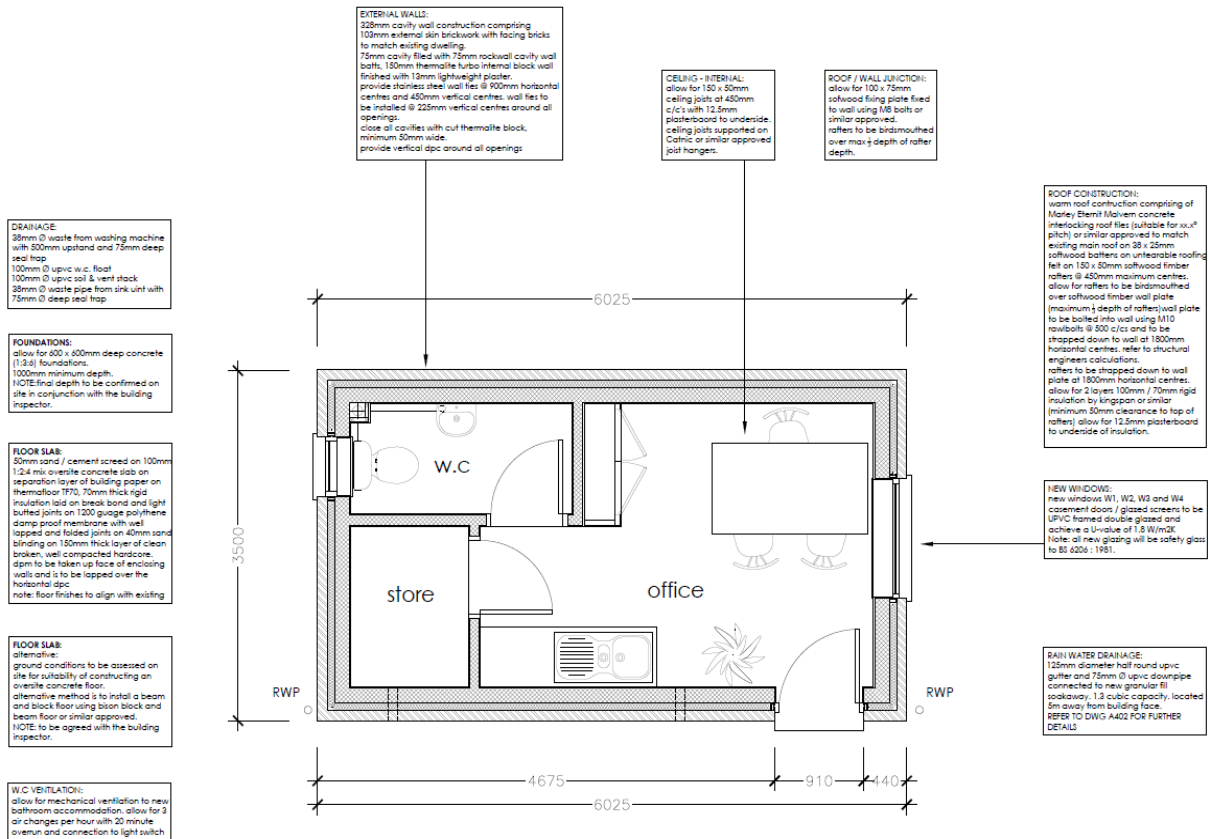
# Warden Block plan



plot layout  
scale 1:50 @ A1

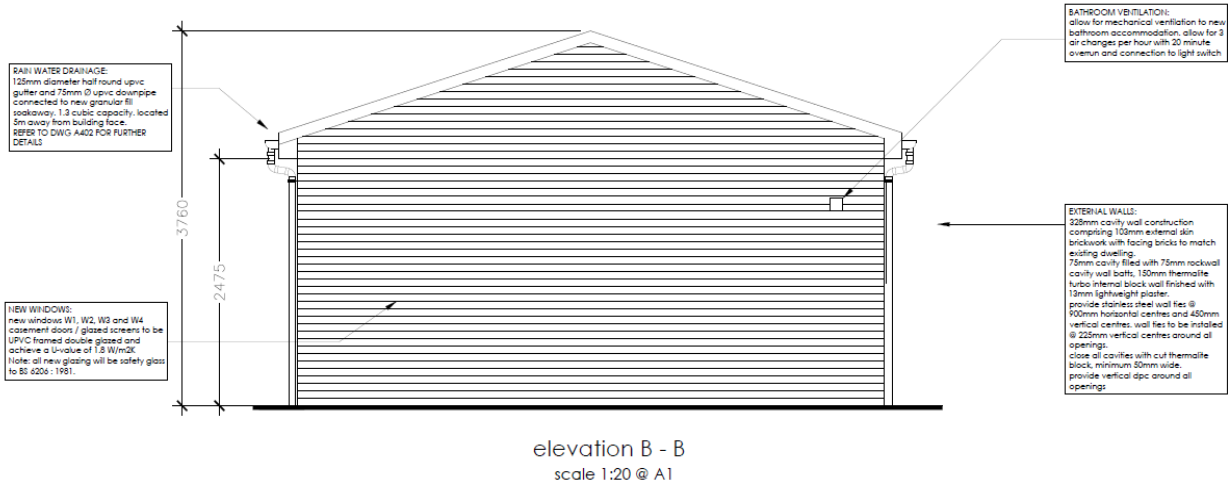
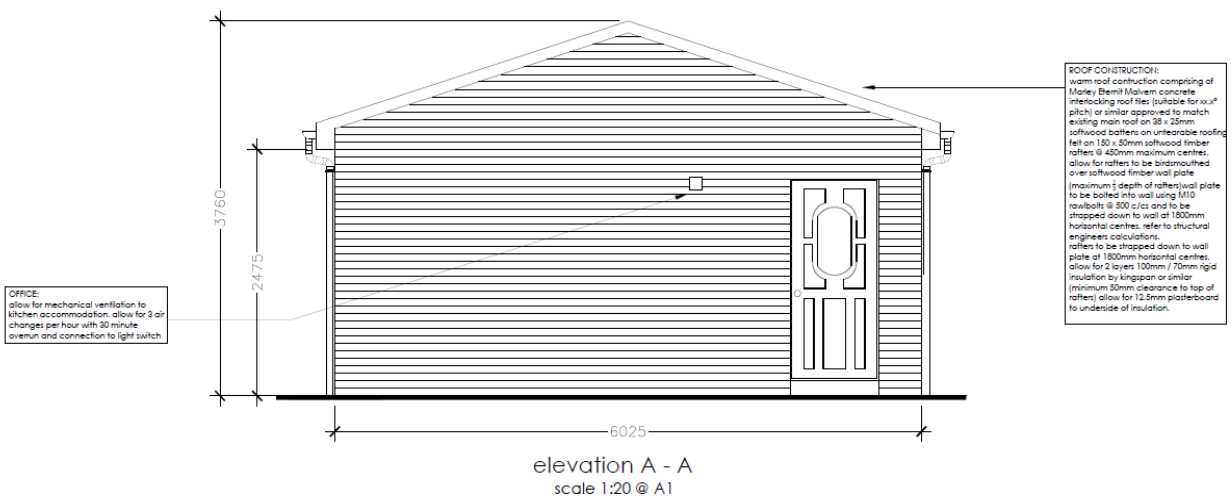
WARDENS BLOCK

# Wardens block—floor plan



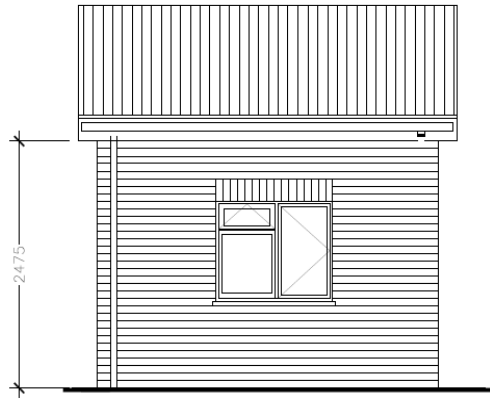
WARDENS BLOCK

# Wardens block—Elevations

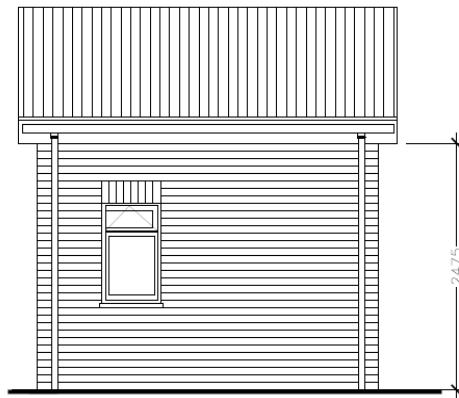


WARDENS BLOCK

# Wardens block—Elevations



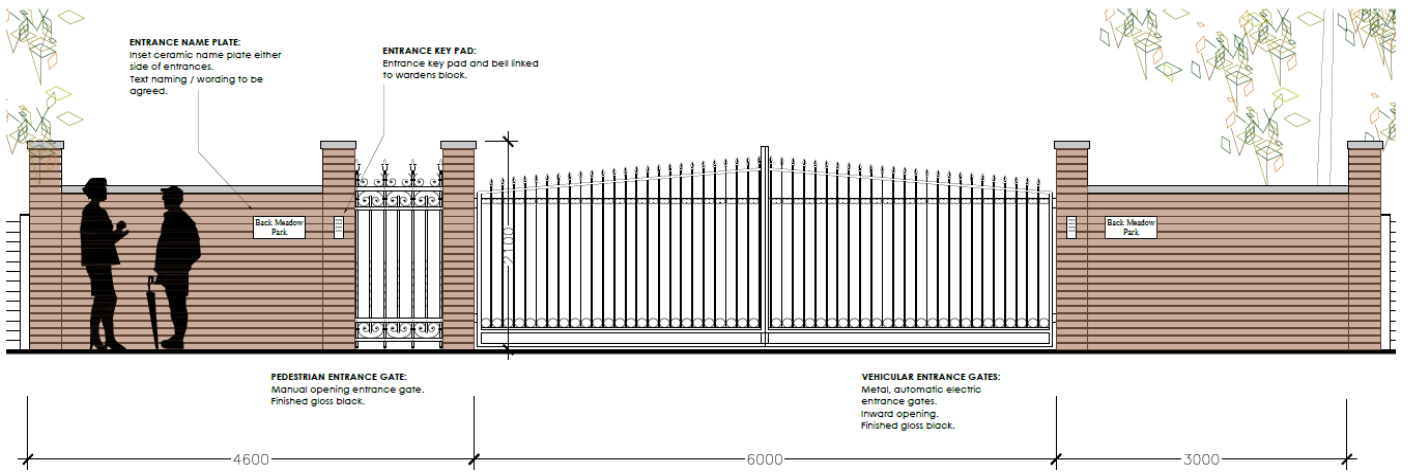
elevation C - C  
scale 1:20 @ A1



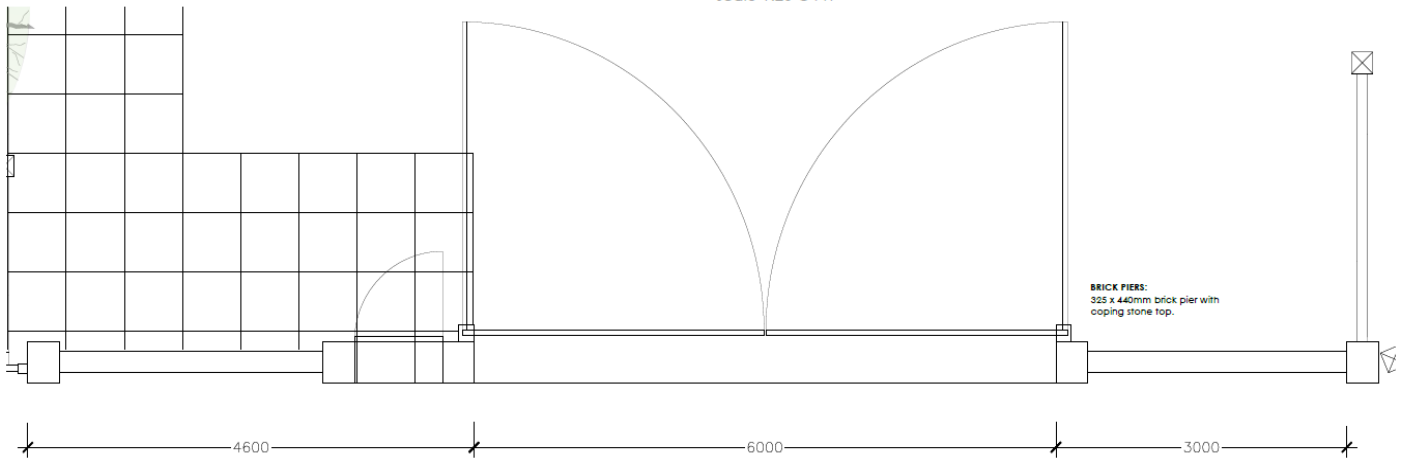
elevation D -D  
scale 1:20 @ A1

WARDENS BLOCK

# Gates and elevations



plan of entrance  
scale 1:20 @ A1



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## DEVELOPMENT CONTROL PANEL

8 January 2020

Item: 8

<b>Application No.:</b>	19/02073/FULL
<b>Location:</b>	Thames Valley Athletics Centre Pococks Lane Eton Windsor SL4 6HN
<b>Proposal:</b>	Side extension to the existing building to provide an additional squash court.
<b>Applicant:</b>	Mr Fenwick
<b>Agent:</b>	Mr Leigh Tugwood
<b>Parish/Ward:</b>	Eton Town Council/Eton And Castle
<b>If you have a question about this report, please contact:</b> Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

### 1. SUMMARY

This application was deferred from the Windsor Area Development Management Panel on the 4<sup>th</sup> December. In light of the fact that the site is in flood zone 3B, the panel wished to know why the previous application 11/01808/FULL (which allowed extensions to the original building) was approved, and wanted more information on the flood risk for the site. Further information has been provided in Appendix C at the end of this report. There is no change to the recommendation previously put to members on the 4<sup>th</sup> December.

The proposal represents inappropriate development within the Green Belt and there are no very special circumstances which would clearly outweigh the harm caused by this inappropriate form of development and the other harm identified.

The proposed development will be located within flood zone 3b (functional floodplain) which is land where water has to flow or be stored in times of flood. The proposed development is not appropriate within flood zone 3b as the NPPG sets out that only water compatible development should be permitted within the functional flood plain.

The proposed development will result in the loss of 5 trees which currently make a strong positive contribution to the character and appearance of the area. Furthermore insufficient information has been submitted to determine the arboricultural impact of the development on other on and off site trees.

It is considered that the additional traffic likely to be generated by the new squash court can be comfortably accommodated within the existing 180 space car park.

<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>	The proposed development does not fall within any of the categories of appropriate development in the Green Belt as set out in paragraph 145 of the National Planning Policy Framework and is therefore classified as inappropriate development. Furthermore the scale and position of the extension would result in harm being caused to both the spatial and visual openness of the Green Belt. It is not considered that any very special circumstances exist that clearly outweigh this harm and the other harm identified within the other reasons for refusal. The development fails to comply with policies GB1 and GB2 of the Local Plan, paragraphs 133, 143, 144 and 145 of the National Planning Policy Framework, and policies SP1 and SP5 of the submission version of the emerging Borough Local Plan.
<b>2.</b>	The development is proposed to be located within flood zone 3b which is the functional flood plain and an area where water has to flow or be stored in times of flood. As set out in National Planning Policy Guidance, development is not acceptable within the functional

	flood plain unless classified as a water compatible use. The proposed development is not water compatible. The proposed development fails to comply with policy F1 of the Local Plan, policy EN3 of the Eton and Eton Wick Neighbourhood Plan, paragraph 163 of the National Planning Policy Framework, and policy NR1 of the submission version of the emerging Borough Local Plan.
3.	5 trees are shown to be removed to make space for the proposed development. These trees which make a strong positive contribution to the character and appearance of the area. Furthermore, insufficient information has been provided to determine the arboricultural impacts of the proposed development upon other on and off site trees. The proposed development fails to comply with policies DG1 and N6 of the Local Plan, paragraph 127 of the National Planning Policy Framework, and policy NR2 of the submission version of the emerging Borough Local Plan.

## 2. REASON FOR PANEL DETERMINATION

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

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is currently home to the Thames Valley Athletics Centre with the main building being built in 1999 to provide a training hall and associated facilities, and a spectator's stand. The site is accessed from Pockocks Lane and the main building and parking area is to the south east, with the rest of the site constituting playing fields and an athletics track. The main building was extended following a grant of permission in 2011 for a two storey extension on its south elevation. This extension provided 4 x new squash courts and a dance studio at first floor. To the north, east and west of the site are Eton College playing fields. The site is situated both within the Green Belt and Flood Zone 3. The site is heavily treed along its southern boundary.

## 4. KEY CONSTRAINTS

- 4.1 The key constraints to development are:
- Green Belt
  - Flooding
  - Trees

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

- 5.1 The proposal is for an extension to the main building on the western elevation, to provide an additional squash court and store rooms. The squash court would be linked to the main building via a covered walkway and a terrace area is proposed on top of the walkway and store room. The proposed extension, including the covered walkways and store rooms, will have a footprint of 220sqm and will have a height of 7.6m. The extension will be finished in timber cladding.

Reference	Description	Decision
94/00480/REG3 (473236)	Erection of new 2-storey spectators stand with indoor straight and training hall, changing & club rooms plus associated car parking and new access road. Extension of pavilion.	Permitted – 22.12.1997
99/78199/ADV	Installation of 1 wall plaque with studs and one wall sign for a period of 5 years.	Permitted – 27.07.1999



04/85232/FULL	Erection of 1810mm high brick plinth at entrance of site.	Permitted – 21.06.2004
04/85231/ADV	Display of two externally illuminated freestanding signs.	Permitted – 21.06.2004
05/02965/FULL	Change of use of existing sports pavilion to pre school nursery with associated parking, fencing and access gates.	Permitted – 15.09.2006
08/02212/FULL	Erection of street lighting to car parking area to replace bollard style lighting.	Permitted – 04.11.2008
11/01808/FULL	Extension to southern side of existing sports centre to provide 4 new squash and a dance studio at first floor fitness suite together with ancillary works and refurbishment.	Permitted – 11.08.2011
11/02121/FULL	Formation of an overflow car park with street lighting, widening of access road and associated works.	Permitted – 12.09.2011
15/01758/FULL	Installation of 2 security cages around existing dosing and sampling kiosks and 1 replacement security cage to store gas cylinders.	Permitted – 23.07.2015

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1
Acceptable development within the Green Belt	GB1, GB2
Acceptable development within the flood plain	F1
Sufficient parking provided	P4
Acceptable impact on important trees	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)

### Adopted Eton and Eton Wick Neighbourhood Plan (2016-2036)

Issue	Neighbourhood Plan Policy
Flooding	EN3

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)

## 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

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

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Acceptable development in the Green Belt	SP5
Sufficient parking provided	IF2
Managing flood risk and waterways	NR1
Acceptable impact on important trees	NR2

### **Borough Local Plan: Submission Version Proposed Changes (2019)**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Acceptable development in the Green Belt	QP5
Sufficient parking provided	IF2
Managing flood risk and waterways	NR1
Acceptable impact on important trees	NR3

- 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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.
- 7.3 These documents can be found at:  
<https://www3.rbwm.gov.uk/blp>

### **Supplementary Planning Documents**

- RBWM Interpretation of Policy F1

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

- 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

The planning officer posted a notice advertising the application at the site on 01.08.2019 and the application was advertised in the Local Press on 08.08.2019

2 letters were received supporting the application, 1 from Cllr Samantha Rayner, and 1 from a representative of a group of squash players from the Windsor Club, signed by 58 people. Both letters are summarised below and all considerations noted.

Comment	
<b>Cllr S. Rayner</b>	
1.	The Council is committed to providing high quality leisure and cultural facilities for residents.
2.	When the Windsor Squash Club site was developed a S106 was put in place to provide £270k of funds to re-provide squash facilities.
3.	In my position as Lead Member for Culture and Communities I fully support this application.
<b>The Windsor Club</b>	
1.	The Windsor Club was closed down in June 2016 to make way for the Castle View Retirement Village. When the club shut down there were over 400 active members and the community lost 5 squash courts, 2 studio rooms, a fully equipped 2 storey gym and a member's bar and community room.
2.	The S106 agreement for the Castle View Retirement Village secured funds for the re-provision of squash courts.
3.	In August 2015 an application to build 4 new squash courts, a swimming pool, large gym and several studio rooms at the Eton Excelsior Rowing Club was refused at application and appeal stage.
4.	The RBWM Sport & Leisure Strategy (2016) commits to working with the Windsor Club to find an affordable site at which it can effectively development for squash courts and ancillary facilities/social provision. It further commits to supporting TVAC to maintain and improve it as a centre for indoor sport and outdoor athletics plus squash.
5.	The 4 squash courts at TVAC are under pressure due to closure of more than 14 courts across The Windsor Club, La Fitness Club (Burnham) and Princess Club (Bedfont).
6.	There is currently a lack of a 'show court' with seating, which is critical to host high quality squash matches and to retain the best players as well as providing a court environment suitable for exhibition matches.

All of the above points are noted however the need for the squash courts are not considered to outweigh the environmental harm outlined in the summary section of this report, particularly the fact that the proposal would be sited within functional floodplain.

### Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Concerns that no additional parking has been included, even though parking is already a problem at TVAC.	9.10 -9.11
Lead Local Flood Authority	Requests that further details are provided for the proposed surface water drainage system and supporting calculations.	

Highways	Considers that the existing car park is large enough to accommodate the addition of a squash court and that the development would not have a detrimental effect on the local highway network. Concerns have been raised with the proposed temporary access for construction traffic, however it is considered that this will have an acceptable impact on highway safety subject to conditions.	9.10 -9.11
Trees	Insufficient information has been provided to determine the arboricultural impacts of the proposed development upon on and off site trees.	9.9

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Whether the proposal is appropriate development within the Green Belt
- ii Whether the proposal is appropriate development in the flood plain
- iii The impact of the development on the character and appearance of the area
- iv Whether the proposal would be provided with sufficient parking space

### **Whether the proposal is appropriate development within the Green Belt**

9.2 Paragraph 145 of the National Planning Policy Framework (NPPF) sets out a list of appropriate forms of development within the Green Belt. Within this list, the extension of a building is considered to be appropriate provided the extension does not result in a disproportionate addition over and above the size of the original building. In determining whether an extension is disproportionate the increase in floor space is a guiding factor, however the bulk and scale of a proposal and its effect on the openness of the Green Belt are also important considerations. Policies GB1 and GB2 of the Local Plan set out similar criteria for building in the Green Belt.

9.3 The Thames Valley Athletics Centre has been extended in the past. The original building had a floor space of approximately 3700sqm and the proposed extension and the previous extension have a combined floor space of approximately 850sqm, which amounts to an increase of 29%. Whilst this is not a significant increase in percentage terms, the extensions are visually prominent. The previous extension was full height and added bulk to the original building. The proposed extension, whilst only single storey, is 7.5m tall and is set well outside of the existing building envelope. Because it is set so far away from the existing/original building the proposed extension would have a significant visual impact on the openness of the Green Belt as well as a significant spatial impact due to its size. In conclusion the proposed extensions when taken with the previous extension would result in a disproportionate addition to the original building.

9.4 The proposal is inappropriate development in the Green Belt, and according to paragraph 143 of the NPPF inappropriate development is by definition harmful and should not be approved except in very special circumstances. Paragraph 144 of the NPPF sets out that substantial weight will be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations. Whether very special circumstances exist has been considered in the planning balance section at the end of this report after all harm resulting from the development has been identified.

### **Whether the proposal is appropriate development in the flood plain**

- 9.5 The application site is within Flood Zone 3b which is classified as functional floodplain. The Council's Strategic Flood Risk Assessment (SFRA) sets out that the functional floodplain is land where water has to flow or be stored in times of flood, and National Planning Practice Guidance (NPPG) sets out that development should not be permitted in the functional floodplain unless it is a water compatible use. A leisure use is classed as a 'Less Vulnerable' use, and as such the proposed development is not appropriate in the functional flood plain. A site specific flood risk assessment (FRA) has been submitted with the application which concludes that the site should be classified as flood zone 3a, in which development can sometimes be considered acceptable, due to the Maidenhead, Windsor and Eton Flood Alleviation scheme (MWEFAS), however, NPPG sets out that it is the SFRA, prepared by the Local Planning Authority, which will establish areas of functional flood plain, and this should be referred to in identifying what flood zone a proposed development is within. Furthermore the SFRA already takes into consideration the MWEFAS (see paragraph 5.1.5 of the SFRA). It is noted that an extension has previously been approved under application 11/01808, however this was assessed under a previous iteration of the SFRA. It is not clear from the previous submission documents whether the development was assessed as being within flood zone 3b or 3a.
- 9.6 Notwithstanding the above, if the development was accepted as being within flood zone 3a then the applicant would need to, through the submission of the FRA and the application of the exceptions test, demonstrate that the development is safe from flooding and would not increase flood risk elsewhere. It has been demonstrated that the development itself would be safe from flooding through the use of flood resilient/resistant construction and by updating the existing Thames Valley Athletics Flood Evacuation Plan, however it is considered that the proposed development would have an unacceptable impact on flooding elsewhere as explained below.
- 9.7 Policy F1 of the Local Plan allows for an increase in ground covered area (GCA) on site of up to 30sqm. For any amount of GCA above this the applicant must demonstrate that the development will not reduce the capacity of the flood plain to store water, impact on the free flow of flood water, or increase the number of people and properties at risk from flooding. Furthermore policy EN3 of the Eton and Eton Wick Neighbourhood Plan states that development should not result in an increase in maximum flood levels within adjoining properties. The proposed extension has a total ground covered area of approximately 220sqm, which is in excess of the 30sqm allowed under policy F1. The 2011 extension was also in excess of the 30sqm limit set out under policy F1, however due to the use of underfloor voids it was considered that the development would not significantly impede the flow of flood water or reduce the capacity of the flood plain to store flood water. It is stated within the FRA for the current proposal that the external store is designed to flood, however it is not clear from the plans exactly how this will be achieved. It is also noted that the squash court itself is raised up to create an underfloor void, however no details of how this will be managed have been submitted. It is not clear whether this space will be kept empty and whether it can be ensured that there would be no loss of flood plain storage. It is noted that two shipping containers are to be removed from the site, and it is claimed that these are permanent additions, however no details have been submitted to support this. Furthermore the containers have a combined GCA of approximately 40sqm and as such would not offset the loss in flood plain storage resulting from the proposed extension. The proposed development would therefore reduce the capacity of the flood plain to store and impact upon the free flow of flood water, thereby putting additional people and properties at an increased risk from flooding.

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

- 9.8 Policy DG1 of the Local Plan and paragraph 127 of the NPPF set out that development should be of a high standard of design, visually attractive, and in keeping with the local character. The proposed extension has a flat roof and will be finished using timber cladding. The proposed extension does not match the main building in terms of its design or choice of materials, however given the extensions scale and its positioning away from the envelope of the main building it appears almost as a standalone structure. Within this context it is not considered that the design of the extension or the materials used need to match the host building exactly, and it is not

considered that the extension would cause harm to the appearance of the host building or the character of the wider area.

- 9.9 The extension will be located in an area currently containing a number of trees, and whilst these are not protected they do make a significant positive contribution to the character and appearance of the area, giving it a sylvan wooded appearance, and currently provide some screening of the building when viewed from Pockocks Lane. Insufficient information has been provided to determine the arboricultural impacts of the proposed development upon on and off site trees. It would appear that at least 5 trees will need to be removed to make space for the extension and that additional trees could be harmed or lost due to interference with their canopies and roots. The loss of these trees would harm the character and appearance of the area and it is considered that steps should be taken to ensure as may trees are retained as possible.

#### **Whether the proposal would be provided with sufficient parking space**

- 9.10 A D1 leisure use, as set out in the Borough's adopted Parking Strategy, is required to provide 1 space per 30sqm. The proposed extension has a total floor space of 220sqm (including store room and covered walkway), and the squash court is 90sqm. The proposed development therefore generates a requirement of between 3 and 7 car parking spaces. The site currently benefits from 180 car parking spaces across the main car park, overflow car park and an informal parking area to the side of the main building. It is considered that the proposed extension is unlikely to have a significant impact on the number of visitors to the centre and as such the existing car park is considered sufficient.
- 9.11 A temporary access is proposed off of Pockocks Lane for the construction period. Council Highway Officers have raised some concerns with this, however it is accepted that a temporary access can be made safe through the use of conditions relating to: visibility splays, access details, construction management details, and the stopping up of the access once the squash court is brought into use.

#### **Planning Balance**

- 9.12 The proposed development is considered to cause harm to the Green Belt through reason of its inappropriateness and harm to openness. Paragraph 144 of the NPPF sets out that substantial weight will be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations. As set out above, the development also causes harm as a result of the developments impact on flooding, and it is considered that this should be given substantial weight. Harm will also result from the loss of trees which make a significant positive impact on the character and appearance of the area, however this is only given moderate weight as the trees are not covered by a Tree Preservation Order.
- 9.13 The applicant has not put forward a case for very special circumstances, however it is accepted that the development does make a contribution towards and improves sports/leisure facilities in the Borough. It is also noted from the letter sent in on behalf of the former members of the Windsor Club that there would appear to be a need for new squash facilities. Indeed paragraph 91 of the NPPF supports the promotion of healthy communities and tasks planning decisions with enabling and supporting healthy lifestyles – for example through the provision of sports facilities, however the new squash court would make a fairly limited contribution towards achieving this goal, and the benefits of this improved facility would not outweigh the harm identified in paragraph 9.12 above. In this case therefore there are not considered to be any very special circumstances that would clearly outweigh the harm to the Green Belt and the other harm identified.

## **10. CONCLUSION**

- 10.1 The proposed development constitutes inappropriate development in the Green Belt and would reduce the openness of the Green Belt. There are no very special circumstances that outweigh this harm and the other harm identified with regards to flooding and the character of the area. The development fails to comply with policies GB1 and GB2 of the Local Plan, paragraphs 133, 143, 144 and 145 of the National Planning Policy Framework, and policies SP1 and SP5 of the submission version of the emerging Borough Local Plan.
- 10.2 The proposed development would be located within flood zone 3b which is the functional flood plain and an area where water has to flow or be stored in times of flood. Development is not acceptable within the functional flood plain other than water compatible uses. The proposed development fails to comply with policy F1 of the Local Plan, policy EN3 of the Eton and Eton Wick Neighbourhood Plan, paragraph 163 of the National Planning Policy Framework, and policy NR1 of the submission version of the emerging Borough Local Plan.
- 10.3 The proposed development would result in the loss of 5 trees which make a significant positive contribution to the character and appearance of the area. Furthermore, insufficient information has been provided to determine the arboricultural impacts of the proposed development upon other on and off site trees. The proposed development fails to comply with policies DG1 and N6 of the Local Plan, paragraph 127 of the National Planning Policy Framework, and policy NR2 of the submission version of the emerging Borough Local Plan.

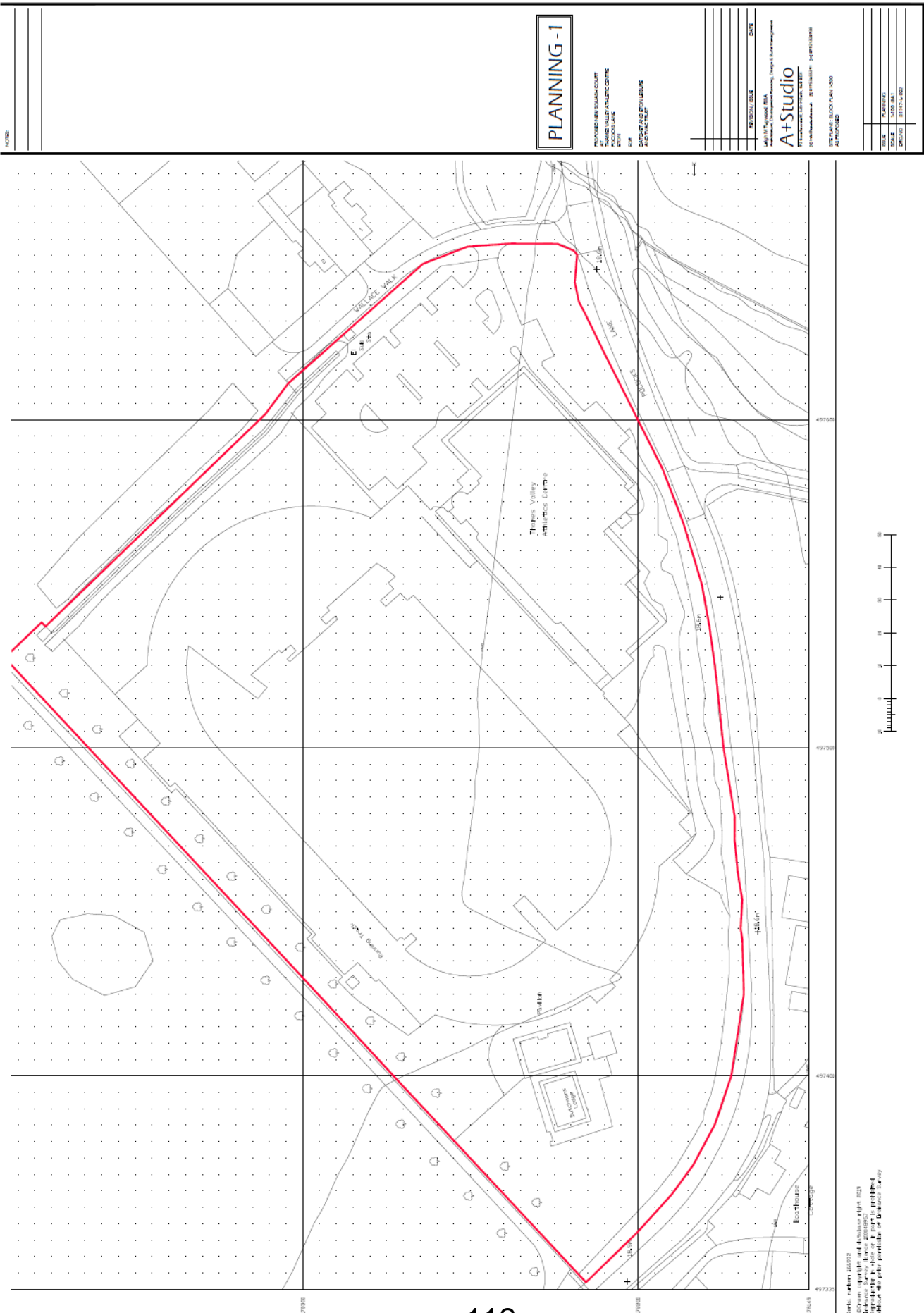
## **11. APPENDICES TO THIS REPORT**

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

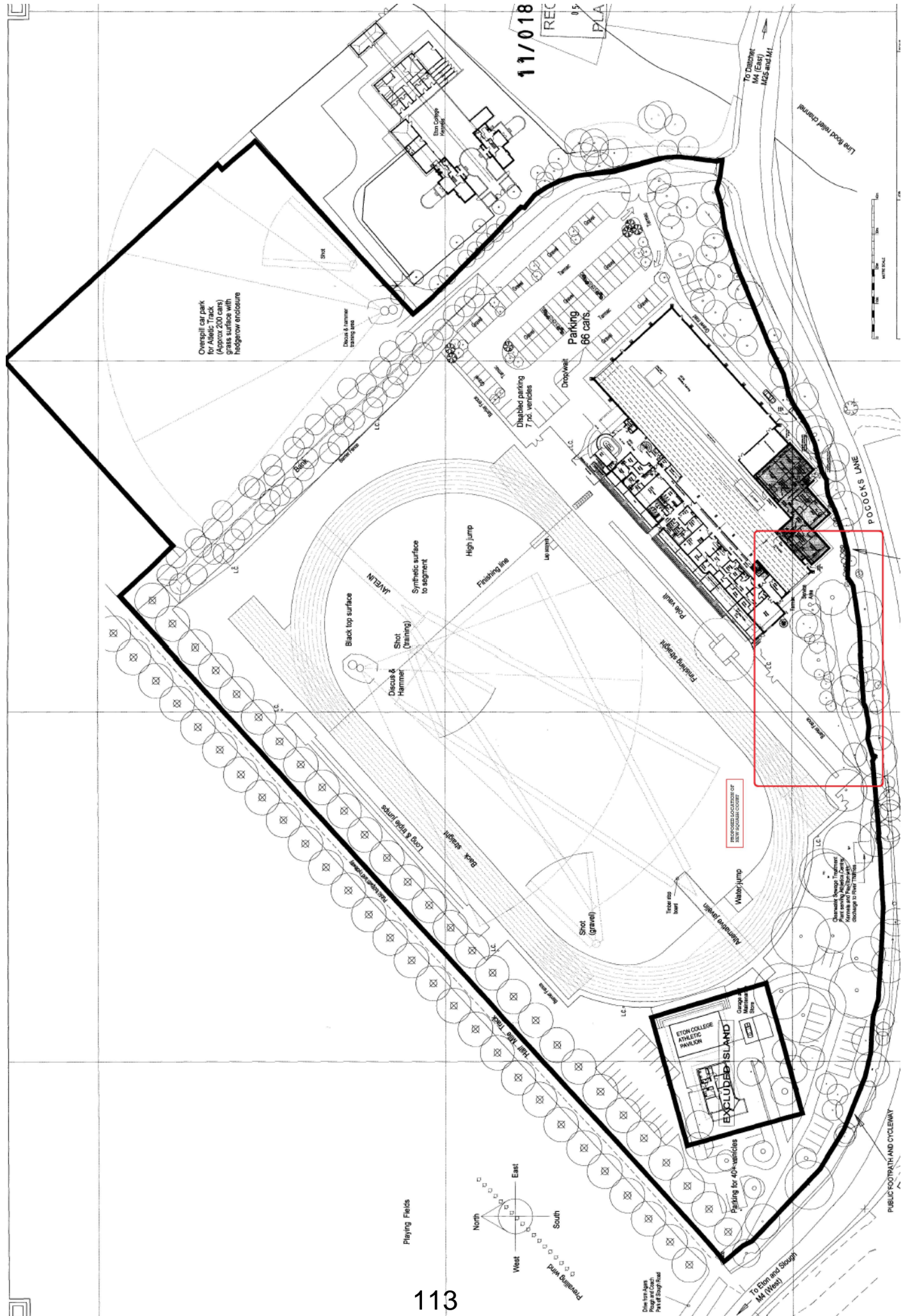
## **12. REASONS RECOMMENDED FOR REFUSAL.**

- 1 The proposed development does not fall within any of the categories of appropriate development in the Green Belt as set out in paragraph 145 of the National Planning Policy Framework and is therefore classified as inappropriate development. Furthermore the scale and position of the extension would result in harm being caused to both the spatial and visual openness of the Green Belt. It is not considered that any very special circumstances exist that clearly outweigh this harm and the other harm identified within the other reasons for refusal. The development fails to comply with policies GB1 and GB2 of the Local Plan, paragraphs 133, 143, 144 and 145 of the National Planning Policy Framework, and policies SP1 and SP5 of the submission version of the emerging Borough Local Plan.
- 2 The development is proposed to be located within flood zone 3b which is the functional flood plain and an area where water has to flow or be stored in times of flood. As set out in National Planning Policy Guidance, development is not acceptable within the functional flood plain unless classified as a water compatible use. The proposed development is not water compatible. The proposed development fails to comply with policy F1 of the Local Plan, policy EN3 of the Eton and Eton Wick Neighbourhood Plan, paragraph 163 of the National Planning Policy Framework, and policy NR1 of the submission version of the emerging Borough Local Plan.
- 3 5 trees are shown to be removed to make space for the proposed development. These trees which make a strong positive contribution to the character and appearance of the area. Furthermore, insufficient information has been provided to determine the arboricultural impacts of the proposed development upon other on and off site trees. The proposed development fails to comply with policies DG1 and N6 of the Local Plan, paragraph 127 of the National Planning Policy Framework, and policy NR2 of the submission version of the emerging Borough Local Plan.

# Appendix A—Site location plan and site layout







11/018  
REC 05  
PLA

Overspill car park  
for Athletic Track  
Grass surface with  
hedge-row enclosure

PROPOSED LOCATION OF  
NEW FOOTBALL COURT

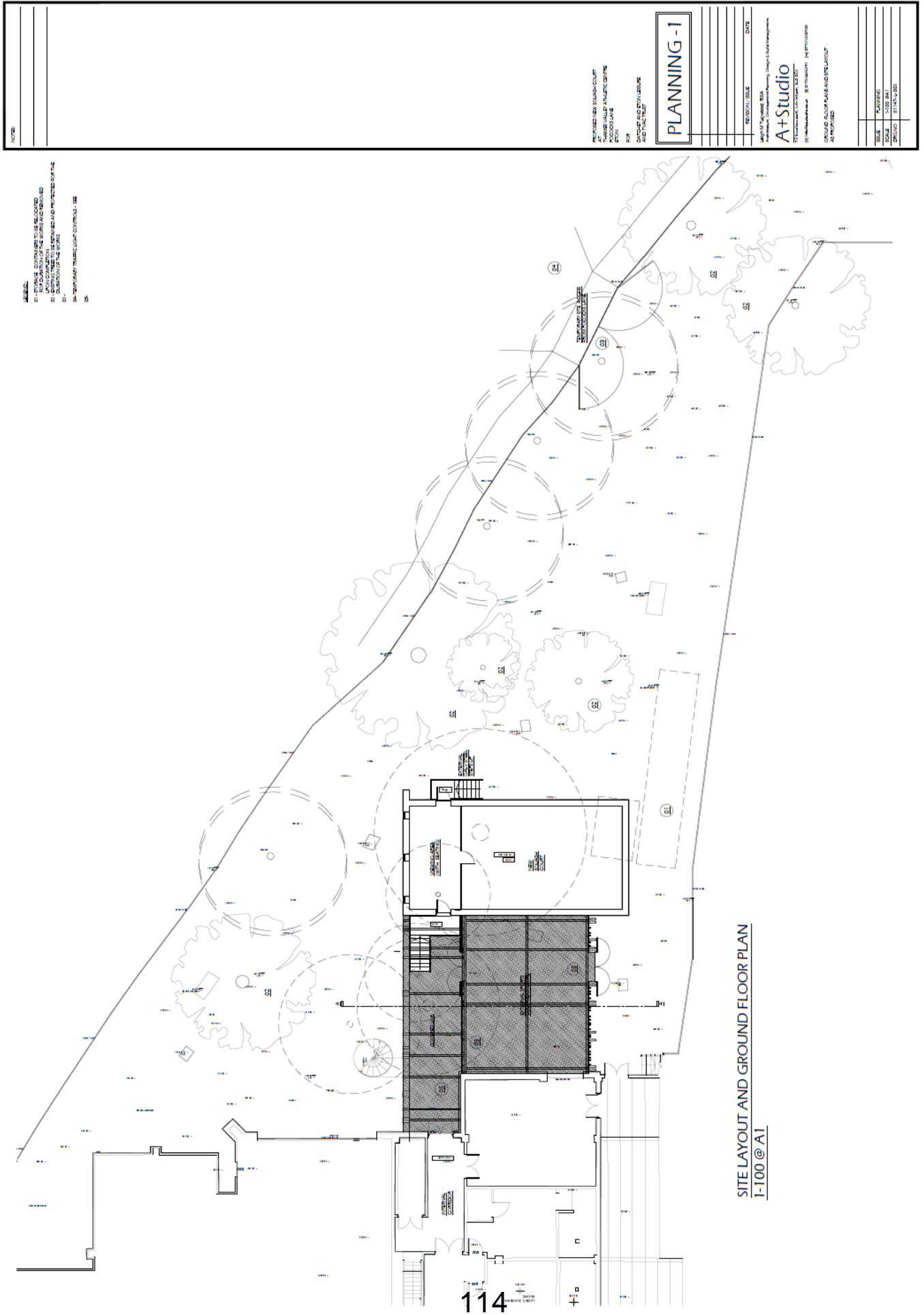
Chemical Storage Treatment  
Plant serving Athletics Centre  
discharge to River Thames

ETON COLLEGE  
ATHLETIC PAVILION  
EXCLUDED ISLAND  
Paving for 40+ vehicles  
Manger  
Store

Playing Fields

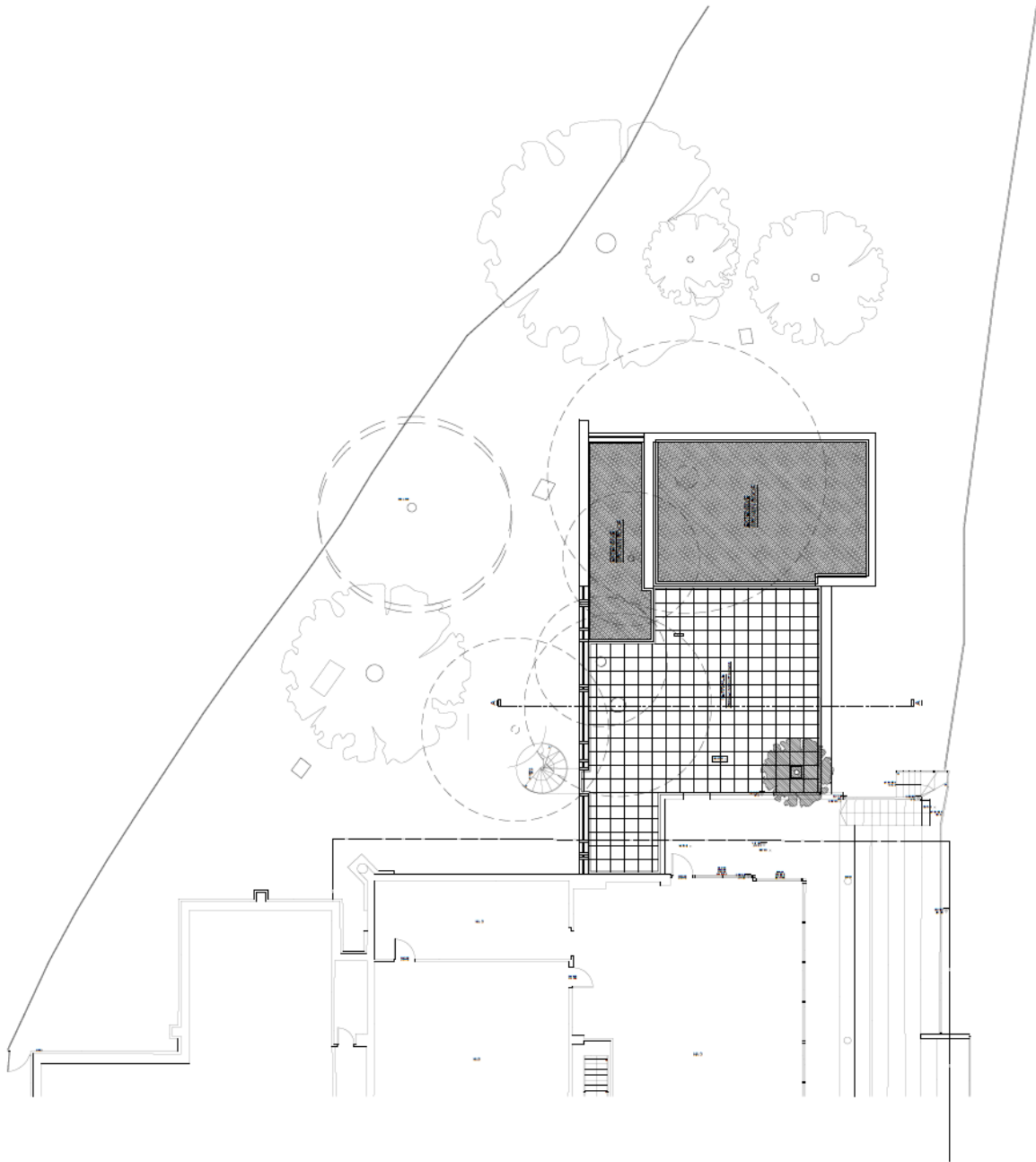


# Appendix B—Plans and elevation drawings - Proposed ground floor



# Proposed first floor

NOTES    	<h2 style="margin: 0;">PLANNING - 1</h2> <p style="font-size: small; margin: 5px 0;">             PROPOSED NEW PLANNING COURT              FRANK VALLEY PUBLIC CENTRE              270 COLLEGE LANE              BUNY              OUTDOOR AND EXHIBITION              AND TRACT TRUST           </p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">NO. SHEETS / ISSUE</td> <td style="width: 50%;">DATE</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	NO. SHEETS / ISSUE	DATE			<p style="font-size: x-small; margin: 0;">             100% COMPLETE              ARCHITECT: A+Studio              PROJECT: FRANK VALLEY PUBLIC CENTRE              270 COLLEGE LANE              BUNY              OUTDOOR AND EXHIBITION              AND TRACT TRUST           </p> <p style="font-size: x-small; margin: 0;">             100% COMPLETE              ARCHITECT: A+Studio              PROJECT: FRANK VALLEY PUBLIC CENTRE              270 COLLEGE LANE              BUNY              OUTDOOR AND EXHIBITION              AND TRACT TRUST           </p>
NO. SHEETS / ISSUE	DATE						



# Proposed elevations

PROPOSED WEST SIDEWALK COURT  
 1500 WEST VALLEY AVENUE, SUITE 100  
 DENVER, CO 80202

OWNER:  
 DENVER AND BETHLEHEM  
 AND MULTIFIT

**PLANNING - 1**

DATE: \_\_\_\_\_

DESIGNED BY: \_\_\_\_\_

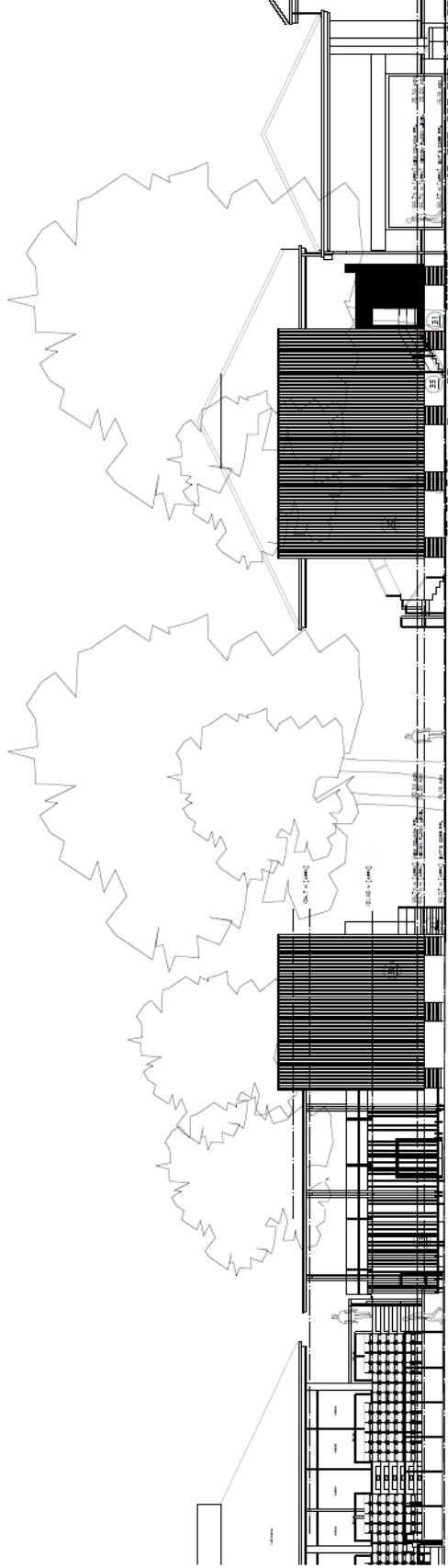
PROJECT NO: \_\_\_\_\_

**A+Studio**  
 ARCHITECTURE INTERIORS  
 1500 WEST VALLEY AVENUE, SUITE 100  
 DENVER, CO 80202

SCALE: 1/8" = 1'-0"

DATE: 11/14/2024

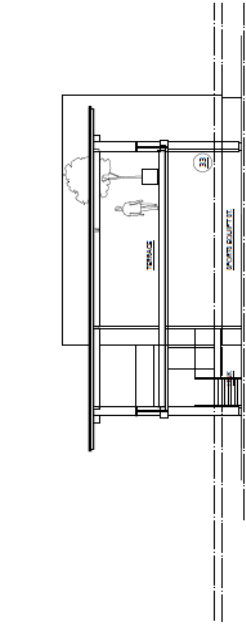
PROJECT: 24101-001



- EXTERIOR MATERIALS USED:**
- 1- UNPAINTED ALUMINUM CLADDING
  - 2- UNPAINTED ALUMINUM CLADDING
  - 3- GALVANNEED STEEL METALCLAD
  - 4- GALVANNEED STEEL METALCLAD
  - 5- UNPAINTED ALUMINUM CLADDING
  - 6- UNPAINTED ALUMINUM CLADDING

NORTH WEST ELEVATION

SOUTH WEST ELEVATION

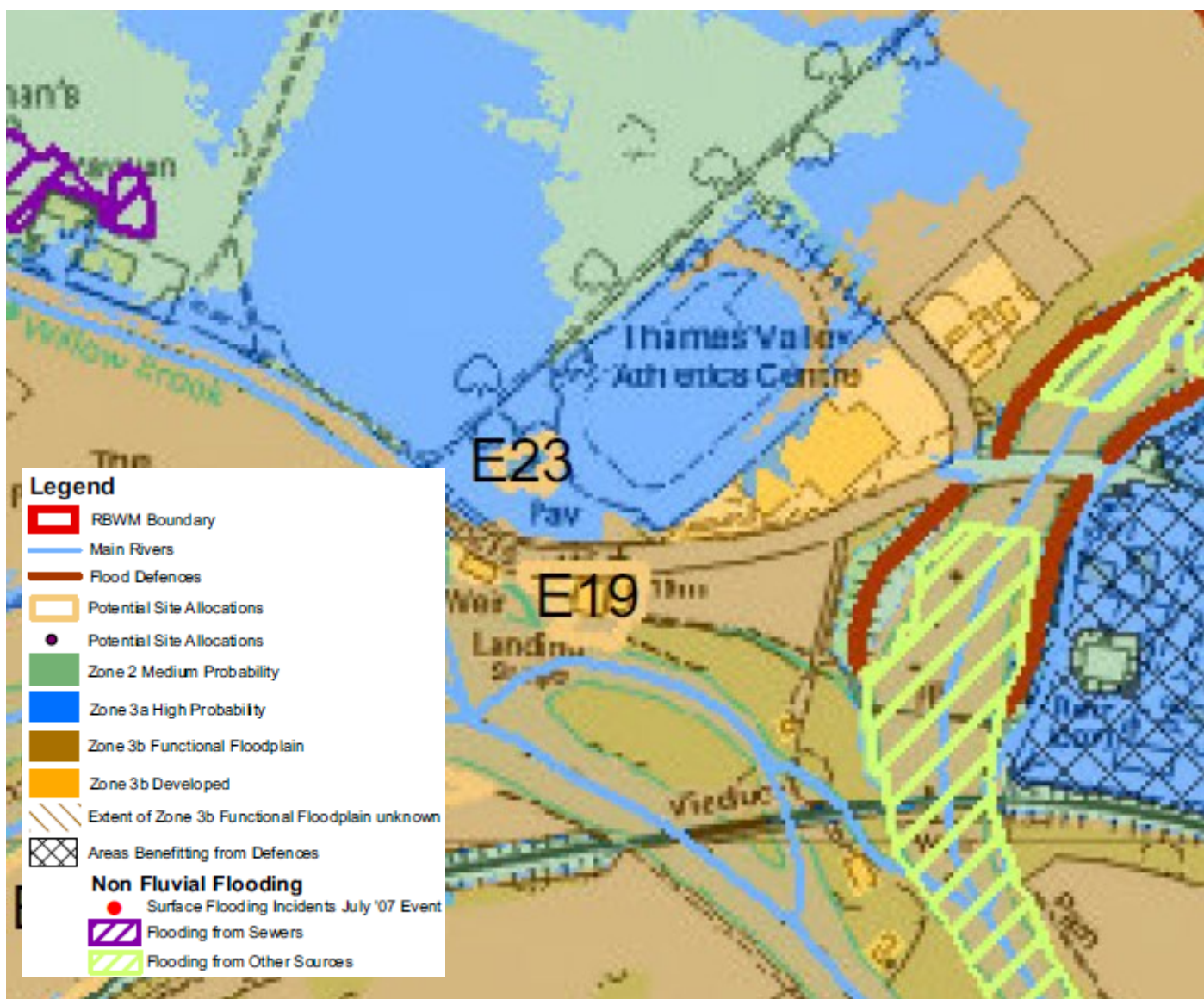


NORTH EAST ELEVATION / SECTION A-A

SOUTH EAST ELEVATION

## Appendix C—Flood information

The below is an extract of the flood map for Eton, taken from Appendix A of the 2009 Strategic Flood Risk Assessment (SFRA). This is the flood map that would have been relevant in 2011 and would have therefore informed the decision made on application 11/01808/FULL.



As can be seen from the legend, the building and the ground immediately surrounding it is all classified as Flood Zone 3b (developed). Development in Flood Zone 3b (developed) should be assessed in the same way as development within Flood Zone 3a, where development can sometimes be acceptable subject to certain tests being met and provided suitable flood mitigation is provided. When 11/01808/FULL was assessed it was considered that underfloor voids were a suitable form of flood mitigation.

Below is an extract taken from the Eton flood map, taken from the 2017 SFRA. The SFRA is reviewed on a regular basis in light of improved information regarding flood risk within the borough, and/or change in government policy. In February 2013 WSP was commissioned to carry out an update to the SFRA following updated Lower Thames Modelling and the publication of the National Planning Policy Framework (NPPF) and the Technical Guidance Note. The updated SFRA consists of a revised SFRA Level 1 report and an Increased Scope and Sequential Testing of Sites report, both published in January 2014. As part of the Borough Local Plan preparation the SFRA Level 1 has been updated in 2017 along with the sequential testing and SFRA level 2.



As can be seen on the above map, whilst the building itself remains within Flood Zone 3b (developed), the area surrounding the building has been re-classified as Flood Zone 3b (functional floodplain). This is in spite of the flood defences shown to the east of the site. National Planning Practice Guidance (NPPG) sets out that development should not be allowed within the functional floodplain unless it is for a water compatible use (See figure 1 on the next page). A leisure use such as this is classified as less vulnerable (see figure 2) and as such is not appropriate within the functional flood plain.

Figure 1

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	✗	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	✗	✗	✗	✓*

Key:

✓ Development is appropriate

✗ Development should not be permitted.

Figure 2

### Less vulnerable

- Police, ambulance and fire stations which are not required to be operational during flooding.
- Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'more vulnerable' class; and assembly and leisure.
- Land and buildings used for agriculture and forestry.
- Waste treatment (except landfill\* and hazardous waste facilities).
- Minerals working and processing (except for sand and gravel working).
- Water treatment works which do not need to remain operational during times of flood.
- Sewage treatment works, if adequate measures to control pollution and manage sewage during flooding events are in place.

As can be seen in the figures above the development does not fall within the types of development that would be considered acceptable in the functional floodplain. Due to the changes in the flood maps between 2011 and now, as well as the introduction of the NPPF and NPPG, it is considered that the current application should not be permitted.

It should be noted that even if the site was assessed as being in Flood Zone 3b (developed) or Flood Zone 3a, insufficient information has been provided to safely conclude that the loss in flood plain storage would be adequately mitigated for. Paragraph 5.2.7 of the applicants Flood Risk Assessment states that:

*'It is therefore proposed that the extension will incorporate floodable under-floor voids, in order to compensate for losses in floodplain storage on a 'level for level' basis. These voids should be provided with a base no lower than the existing ground level, and up to the 1 in 100 annual probability +25% climate change flood level of 20.08m AOD. 1m void openings should be provided at least every 5m all the way around the perimeter of the building'*

It is shown on the proposed elevations that these voids will be provided beneath the squash court, however it is not clear whether the voids will be provided underneath the external sports equipment store, which has a footprint of 75sqm. It should be noted that ordinarily voids are not accepted by the borough as a suitable form of flood mitigation as they can become blocked by flood debris and are often used as a storage area, minimising their effectiveness. It is likely that flood voids have been allowed at Thames Valley Athletics Centre in the past as the centre has the resources to ensure these areas are kept clear and well maintained.



## DEVELOPMENT CONTROL PANEL

8 January 2020

Item: 9

<b>Application No.:</b>	19/02733/FULL
<b>Location:</b>	63 The Avenue Wraysbury Staines TW19 5EY
<b>Proposal:</b>	Application for demolition of existing dwelling and outbuilding and replacement with new four bedroom dwelling and car port using existing access.
<b>Applicant:</b>	Mr Marston
<b>Agent:</b>	Mr Michael Pagliaroli
<b>Parish/Ward:</b>	Wraysbury Parish/Datchet Horton And Wraysbury
<b>If you have a question about this report, please contact:</b> Josey Short on 01628 683960 or at <a href="mailto:josey.short@rbwm.gov.uk">josey.short@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 The proposed replacement dwelling and carport would clearly be materially larger than those which they would replace and thus would constitute inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved, unless a case of very special circumstances (VSC) (paragraph 143, NPPF 2019) is put forward which clearly outweighs the harm to the Green Belt and any other harm. A case for VSC has been put forward by the applicant claiming that the property's permitted developments rights provide a fall-back position. However, given the single storey nature and limited size of such extensions allowed under permitted development this is awarded limited weight and would not constitute a case of VSC which would clearly outweigh the harm to the Green Belt and other harm identified below.
- 1.2 The proposed scheme would also appear inconsistent with the character of the area by virtue of the scale, mass and bulk and would appear visually dominant in its location.
- 1.3 Additionally, the ecological report submitted in support of the application fails to demonstrate presence or otherwise of protected species that may be affected by the proposed development.
- 1.4 There are no issues raised relating to neighbouring amenity, flooding, parking and highways, and trees.

<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>	The development would not constitute an appropriate form of the development in the Green Belt, for the reason that the new dwelling would clearly be materially larger than the existing dwelling on site, and it would have a greater impact on the openness of the Green Belt than the existing development both spatially and visually. Similarly, the proposed ancillary outbuilding would be materially larger than the outbuilding it would replace. No VSC has been put forward which would outweigh the harm to the Green Belt and the harm below.
<b>2.</b>	The proposed development would not maintain the character of the area by virtue of its proposed scale, mass, bulk and positioning. Additionally, given the close proximity of the dwelling to the front boundary of the site in combination with the visual quality of the east elevation, the resultant development would appear visually dominant in this location and as such would not remain in keeping in this regard
<b>3.</b>	The Ecology Report submitted in support of the application has failed to demonstrate the existing outbuildings potential to host roosting bats and the impact the proposed scheme would have on them alongside the protection and mitigation measures proposed to ensure the safeguarding of the designated sites and habitats that the application site falls within or within close proximity to.

## 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Bateson as neighbouring residents would like the application to go to panel because the application has been refused once and they feel that this development with its changes from the original plans would enhance their neighbourhood.

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the south west side of The Avenue within the Green Belt in Wraysbury. The site backs onto the river and falls within flood zones 3 (high risk).
- 3.2 The site comprises a detached bungalow and detached outbuilding. At the time of the site visit on 15<sup>th</sup> July 2017, the front of the site was bounded by 2.5 metre hoarding and accessed via gates. The street scene of The Avenue is characterised by detached dwellings of varying sizes and styles.

## 4. KEY CONSTRAINTS

- i. Floodzones 3
- ii. Green Belt
- iii. Setting of the Thames

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

- 5.1 The application seeks planning permission for the construction of a replacement dwelling and detached carport following the demolition of the existing dwelling and outbuilding. The application site is 0.1 hectares. Amended plans received by the Council on 13.11.2019 show the removal of the first floor accommodation, associated staircase and front facing dormer from the car port.
- 5.2 The proposed dwelling would provide habitable accommodation over two storeys, providing four bedrooms, with a ground floor level raised 1.6 metres. The dwelling would have a width of 21.1 metres with the entrance porch and steps adding an additional 2.3 metres. The dwelling would have a maximum depth of 8.8 metres, set back 1.5 metres from the sites front boundary at its closest point. The dwelling would encompass a dual pitched roof, with 2 x gable ends fronting the river, and 4 x gable ends fronting the public realm. The dwelling would have a maximum eaves height of 4.5 metres and ridge height of 7.99 metres.
- 5.3 The proposed car port and first floor accommodation would be positioned to the south of the site, between the proposed new dwelling and neighbouring dwelling, No. 61B. The car port would be open at ground floor, providing parking provision for 2 x vehicles. The building would have a width of 6.8 metres and depth of 6.3 metres. It would encompass a dual pitched roof with gable ends to each side, with an eaves height of 2.2 metres and a ridge height of 5.5 metres.

5.4

Reference	Description	Decision
19/01526/FULL	Construction of x1 dwelling and detached carport with accommodation in the roofspace, following demolition of the existing dwelling and outbuilding.	Refused

## 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:

Issue	Adopted Local Plan Policy
Green Belt	GB1, GB2 and GB3
Flooding	F1
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5

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 12- Achieving well-designed places

Section 13- Protecting Green Belt land

Section 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
Green Belt	SP5
Flood Risk	NR1

### Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1,QP3
Green Belt	QP5
Flood risk	NR1

- 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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the

Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.

- 7.3 These documents can be found at:  
<https://www3.rbwm.gov.uk/blp>

### Supplementary Planning Documents

- RBWM Interpretation of Policy F1

### Other Local Strategies or Publications

- 7.4 Other Strategies or publications relevant 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

Two occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 22/10/2019.

No letters were received supporting or objecting to the application.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Highways	The proposal raises no highway concerns	Noted. Please see paragraphs 9.19 -9.22
Environment Agency	The proposed development will be acceptable if the following conditions are included on the planning permission decision notice. Without these conditions, the EA would object to the proposal due to its adverse impact on the environment. The conditions relate to the development being carried out in accordance with the submitted FRA and a pre commencement condition requiring a method statement.	Noted. Please see paragraphs 9.2 -9.4
Environmental Protection	Recommended that if planning permission is granted in this instance that conditions attached to the decision notice relating to aircraft noise, construction site working hours, collection during construction and demolition. Informatives relating to smoke and dust control also recommended,	Noted. Please see paragraph 9.27

## Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	No objection subject to compliance with local policies. However, there are concerns for the proposed height of the development	Noted. Please see paragraphs 9.5-9.15

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Impact on flooding
- ii Impact on Green Belt
- iii Impact on the character of the area and locality in general
- iv Impact on neighbour amenity
- v Parking and highways
- vi Ecology
- vii Trees
- viii Other material considerations

### Flooding

- 9.2 The application site is located within flood zone 3 (High Risk). As there is an existing dwelling on site, the principle of replacing it is considered to be acceptable. Paragraph 164, footnote 50 of the National Planning Policy Framework (NPPF) (July 2018) requires development within flood zone 3 defined as having a 'high probability' of flooding from rivers to submit a site specific flood risk assessment (FRA) to ensure that flood risk is not being increased on site or elsewhere. This position is supported by Policy F1 of the Local Plan. Policy F1 allows development which has a ground covered area (GCA) of not more than 30 square metres provided there have been no previous developments which required planning permission from 1978. Policy F1 of the Local Plan states that development will not be permitted for new residential development that exceeds 30 sq. metres. Paragraph 2.4.7 of this policy states; - *'The 30 sq. metres will be taken to include all additions completed since 26 September 1978 (the date the council first adopted the flood policy) which required express planning permission. Detached ancillary buildings within the curtilage of a property such as garages, sheds, greenhouses, boathouses, summerhouses or enclosed swimming pools will all count as additions where they result from the grant of planning permission.'* Paragraph 2.4.9 of Policy F1 states that the use of pier foundations will not be acceptable as a means of overcoming an objection to the proposal on the grounds of Policy F1 as it can result in problems from the inability of the Local Authority to ensure that the voids are not obstructed by domestic effects or flooding debris.
- 9.3 As measured from submitted drawing no. 1231 – EX 01, it is calculated that the sites existing GCA is 171.87 sq. metres (original dwelling; - 96.02 sq. metres, extension – 20.1 metres & outbuilding;- 55.75 sq. metres). Though it is noted that the proposal includes a detached carport, given that this is open on all sides, it would not contribute towards the proposed GCA in line with Appendix 6 : *Calculating Ground Covered Area (GCA)* of the Interpretation of Policy F1 SPG (2004). With this taken into account, the proposed GCA of the dwelling would be 162.78 sq. metres and thus would be 9.09 sq. metres less than that which is existing on site, resulting in a betterment. As such there is no objection raised with regard to Policy F1.
- 9.4 Additional regard is also had for the comments received from the Environment Agency who consider that the scheme is acceptable subject to conditions requiring the development to be carried out in accordance with the submitted FRA.

## Green Belt

- 9.5 Policy GB1 of the Local Plan lists the types of new buildings that are appropriate forms of development in the Green Belt; this includes residential development in accordance with Policy GB3. Policy GB3 relates specifically to new dwellings in the Green Belt and allows for the one-for-one replacement of an existing dwelling provided it is not materially larger or would result in a material alteration to the scale of development on site. Paragraph 145 of the National Planning Policy Framework (February 2019) sets out the types of buildings that are not inappropriate development in the Green Belt. Included in this list is “the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.”
- 9.6 The table below sets out the parameters of both the existing dwelling and that which is proposed as a point of comparison;-

	Existing	Proposed
Total usable floorspace (dwelling)	116.12 sq. metres (dwelling and existing extension as measured from submitted drawing 1231 – EX 01)	317.94 sq. metres (excludes balconies)
Additional floorspace (outbuilding)	55.75 sq. metres (single storey – maximum height 3.2 metres)	34.16 sq. metres (maximum height 5.5 metres – potential to provide a further 18.3 sq. metres in the roof space)
Maximum ridge height of dwelling	5 metres	7.995 metres
Maximum eaves height of dwelling	3 metres	4.5 metres

- 9.7 With the above taken into account, on floor space alone, the proposed dwelling would result in an increase of 173% from that of the sites existing dwelling. However, it is noted that floorspace is not the sole determining factor when assessing if a development is materially larger than that which it replaces. The term materially larger concerns more than simply floorspace, and as such an assessment of whether it is materially larger relates to the overall scale, mass and bulk of the proposal in comparison to that which is being replaced. Therefore, regard must be had to issues such as bulk, height, volume and mass too. The existing site comprises a single storey dwelling with 1 detached outbuilding which is also single storey in nature. The proposed replacement dwelling would provide habitable accommodation over 2 floors and would also include a raised ground floor level (to accommodate flooding issues). The resultant dwelling would be just short of 3 metres taller than the existing and thus would be significantly greater in height than that which it replaces. This increase in height, mass and bulk would have a detrimental impact on the existing open and spacious nature at the application site. It is also noted that the proposed car port would have a height 2.3 metres greater than the site’s existing outbuilding.
- 9.8 Mindful of this it is considered that both the replacement dwelling and ancillary outbuilding would clearly have a materially greater volume, mass and bulk than those which are existing, and consequently, in all senses of the words would be materially larger than the existing. As such, the proposed replacement dwelling and outbuilding would be inappropriate development in the Green Belt location which, as stated by paragraph 145 of the NPPF, is by definition harmful to the Green Belt and should not be approved except in very special circumstances (VSC).
- 9.9 VSC will not exist unless other considerations clearly outweigh the harm to the Green Belt and other harm. In this instance, the Design Statement submitted in support of the proposed application states a case for VSC due to the permitted development fall-back position of the site, with the developments specifically mentioned including;-

- The conversion of the existing attic space up to 50 cubic metres which would increase the floor area by 13 sq. metres
- A 30sq. metre extension/decking

9.10 With the above taken into account, whilst it is recognised that the site does have a permitted development fall-back position which would extend the footprint of the existing dwellinghouse, it is considered that the impact on the Green Belt would be limited due to the single storey height and depth restrictions which are imposed under the General Permitted Development Order. As such it is considered that this fall-back position would not clearly outweigh the harm which would be caused to the openness of the Green Belt by the proposed scheme which significantly adds to the mass and bulk of built form at first floor level and the other harm outlined in this report. Additionally, whilst it is noted that the roofspace of the existing dwelling could be converted to habitable accommodation, it is noted that this would not have a greater impact on the openness of the Green Belt as the dwelling and roofspace are already in situ.

9.11 In this case the applicant has failed to demonstrate VSC which would outweigh the harm to the Green Belt and none are apparent. Therefore the proposal is contrary to Policy GB1, GB2 and GB3 of the Councils Local Plan and paragraph 145 of the NPPF.

### **Character**

9.12 National Planning Policy Framework Section 12 (Achieving well-designed places) and Local Plan Policy DG1 advises that all development should seek to achieve a high quality of design that improves the character and quality of an area. The street scene of The Avenue is characterised by detached dwellings of varying scales and styles. Whilst part of the street scene is characterised by 1.5 storey dwellings, it is noted that the application site is located in a more varied part of the street scene. With this taken into account, it is considered that the principle of constructing a replacement dwelling and ancillary outbuilding in this location would remain in keeping.

9.13 The proposal is for a detached two storey dwelling which is raised at ground level by 1.6 metres. The dwelling would encompass a large pitched roof with 4 gables fronting the street scene of The Avenue. The west elevation, which would front the river, would encompass a large amount of glazing whilst the east elevation would be largely free of glazing, finished in ivory render with timber cladding and a grey slate roof. The application form details that the proposed boundary treatment would be 1.8 metre timber fencing. The dwelling would have an overall width of 22.4 metres (inclusive of the porch), and height of 7.995 metres and as such would be visible when viewed from the public realm.

9.14 By virtue of the overall scale, mass and bulk of the proposed dwelling in combination with the close proximity to the front boundary of the site, the proposed dwelling and garage would be visually prominent from the public realm. Whilst it is noted that the street scene comprises a range of styles and varies between dwellings of one and two storey's, it is considered that the proposed dwelling would be of a larger scale than other 2 storey dwellings within the immediate locality and as such would appear inconsistent in this regard. The dwellings east elevation would front the public realm and the roof form would encompass 4 x gables. It is considered that the design of this roof form itself would appear bulky and over dominant, particularly given the overall height and width of the proposed dwelling. Additionally, this elevation would contain few window openings and thus no architectural features or interest to break up the render and cladding. With this taken into consideration in combination with the overall width and height of the elevation, it is deemed that the resultant dwelling would appear incongruous and overbearing and in turn would have a detrimental impact on the character of the area and locality in general.

9.15 With the above taken into account, it is considered that the proposed works would have an adverse impact on the character of the street scene and locality in general and thus would be

contrary to policies DG1, H10 and H11 of the Councils Local Plan, alongside section 12 of the NPPF (February 2019).

### **Neighbour Amenity**

- 9.16 The site benefits from a wide plot and the proposed dwelling would be positioned centrally on it preventing any harm to either neighbouring property with regard to loss of light or over bearing impact. Furthermore the proposed car port is sited sufficiently off the side boundary to prevent any harm to the neighbours' amenities.
- 9.17 The proposed dwelling would not encompass any first floor side facing windows and in combination with the distance from the north and south flanks, it is considered that the proposal would not result in overlooking or a loss of privacy to the nearest neighbouring dwellings.
- 9.18 With the above taken into account, it is considered that the proposal complies with paragraph 127 (f) of the NPPF.

### **Highways and parking provision**

- 9.19 The Avenue is a cul de sac classified as a private road comprising of residential buildings and junctions with B376 Welley Road. The site is located approximately 370metres from Sunnymeads Railway Station. Under the current Council Parking Strategy, accessibility to public transport is considered to be good.
- 9.20 The Design & Access statement submitted as part of this proposal suggests that 1.8 metres high timber fencing may be erected to the boundary on either side of the entrance access. Access to the proposed development will be via the existing vehicular access. No additional access is required. The new four-bedroom dwelling has the potential to generate 4 to 8 vehicle movements per day. This is not expected to have a detrimental impact on the local road network. The proposal indicates that the car port will be used to store bicycles, which the highway authority offers no objection to. The proposal indicate that the site parking area will be used to accommodate the refuse bins, which the highway authority offers no objection to.
- 9.21 The proposed car port will provide parking for two vehicles, which satisfies the requirements of the Council's current parking strategy that a minimum of two parking spaces should be provided for four bedroomed dwelling in areas of good accessibility. However, as per the amended plan received by the Council on 13.11.2019, the proposed car port would fail to meet the minimum specification for parking spaces within a garage which would be 6 metre x 6 metres in the case of a double garage/ car port in line with the RBWM Parking Strategy (2004). Nonetheless, it has also been observed that the parking area proposed to the front of the car port can accommodate the required parking provision for the proposed dwelling.
- 9.22 With the above taken into account, the proposal would comply with policies T5 and P4 of the Councils Local Plan.

### **Ecology**

- 9.23 The application site is within 500m of the South West London Waterbodies Special Protection Area (SPA) Ramsar, Wraysbury No 1 Gravel Pit Site of Special Scientific Interest (SSSI) and several Local Wildlife Sites, one of which is adjacent to the site to the north. In addition, the site is located adjacent to the River Thames. Rivers are listed as habitats of principal importance under Section 41 of the NERC Act 2006, i.e. they require conservation action and are regarded as 'Priority Habitat' as per the NPPF. A Phase 1 Ecological Assessment (Peach Ecology, May 2019) has been submitted in support of the application.
- 9.24 An amended ecology report was received by the Council on 23<sup>rd</sup> November 2019 subsequent to the consultee comments for the ecology report initially submitted. The Councils ecology officer



was consulted on the revised report. The report confirms that the shed to be demolished is not suitable for use by roosting bats. Though it is noted that the report states that windows along the river frontage will have glazing to reduce glare which would be confirmed at the condition stage, however the elevations illustrate that the windows within the elevation fronting the river would be extensive and as such, the details of the type of glazing and how this will minimise glare would be required prior to the determination of the application.

- 9.25 Without this information the council are unable to determine to what extent bats and the adjacent River Thames will be affected by the proposals and as such the scheme fails to comply with paragraph 175 of the NPPF (Feb 2019) and Policy NR1 of the Councils Local Plan and NR3 of the emerging Borough Local Plan 2013 -2033 submission version.

### **Trees**

- 9.26 The application site does not fall within a TPO area or have any TPO trees on the site. The proposal would not have any tree or landscaping implications.

### **Other Material Considerations**

- 9.27 The conditions and informatives recommended by Environmental Protection are noted. However, it is considered that it would not be necessary to condition construction working hours and collection during construction and demolition, and as such, these conditions would fail the six part test as set out within section 55 of the NPPF (2019). Mindful of this, these conditions will be included as informatives in the event of planning permission being granted in this instance.

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

- 10.1 The development is CIL liable. The proposed floorspace of the dwellings is 291.2 sq. metres.

## **11. CONCLUSION**

- 11.1 The proposed scheme would have a GCA 9.09 sq. metres less than that which is existing on site and thus would result in a betterment with regard to flooding. With this taken into account, the scheme would comply with policy F1 of the Councils Local Plan. Similarly, it is considered that the proposed parking would be sufficient in line with the RBWM Parking Standards, and as such would comply with policy P4 of the Councils Local Plan. The proposed works would not encompass any tree or landscaping implications nor there be any harm to neighbouring amenity.

The proposed replacement dwelling and carport would however be materially larger than those which they would replace. Therefore, the proposal would constitute inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved, unless a case of very special circumstances (VSC) (paragraph 143, NPPF 2019) is put forward which clearly outweighs the harm to the Green Belt and any other harm. A case for VSC has been put forward as the existing building benefits from permitted development rights and thus has a fall-back position as small extensions could be constructed. However, given the single storey nature of this fall-back position, this is awarded limited weight.

- 11.2 The proposed scheme would also appear inconsistent with the character of the area by virtue of the scale, mass and bulk and would appear visually dominant in its location and thus would fail to comply with policies DG1, H10 and H11 of the Councils Local Plan, alongside Section 12 of the NPPF.
- 11.3 Additionally, the ecological report submitted in support of the application fails to demonstrate to what extent bats and the adjacent River Thames will be affected by the glazing within the rear

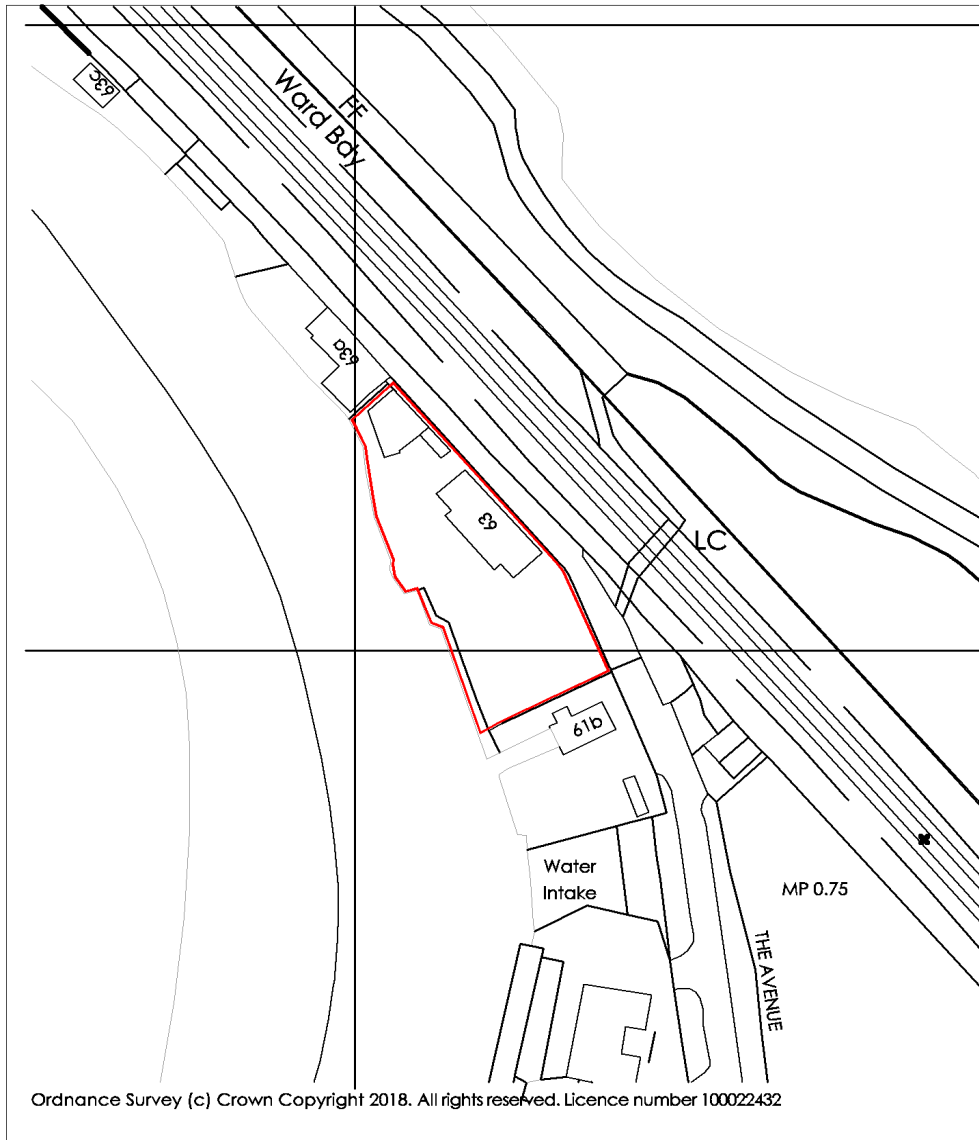
elevation of the proposed dwelling. As such, the scheme fails to comply with paragraph 175 of the NPPF (Feb 2019) and Policy NR1 of the Councils Local Plan and NR3 of the emerging Borough Local Plan 2013 -2033 submission version. With the above taken into account, it is considered that the VSC put forward would not outweigh the harm to the Green Belt or other harm which would be caused as a result of the proposed development.

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

- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation dwelling
- Appendix C – plans and elevations garage

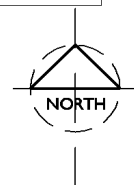
## **13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

- 1 The proposed replacement dwelling and ancillary building, by reason of a combination of its proposed scale, height, bulk and volume, would be materially larger than the ones they would replace, thereby amounting to inappropriate development within the Green Belt. Inappropriate development is by definition harmful to the Green Belt and any harm to the Green Belt should be given substantial weight and should not be approved except in very special circumstances. It is not considered that any very special circumstances exist in this case that would outweigh the harm to the Green Belt and the harm identified in the following reasons for refusal. The proposal is therefore contrary to paragraphs 133, 143, 144 and 146 of the National Planning Policy Framework (NPPF)(February 2019), the provisions of saved Policies GB1 and GB2 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003) and policy SP5 of the emerging Borough Local Plan Submission Version.
- 2 The proposed development would not maintain the character of the area by virtue of its proposed scale, mass bulk and positioning. Additionally, given the close proximity of the dwelling to the front boundary of the site in combination with the visual quality of the east elevation, the resultant development would appear visually dominant in this location as such would not remain in keeping in this regard. As such it is considered that the proposal would be contrary to policies DG1, H10 and H11 of the Councils Local Plan and Section 12 of the NPPF (February 2019).
- 3 The scheme fails to demonstrate the adequate protection and mitigation measures proposed to ensure the safeguarding of the designated sites and habitats that the application site falls within or within close proximity to. As such the proposal is contrary to saved local plan policies NR1, NR3 and NR4 of the emerging Borough Local Plan (Submission Version) and paragraph 175 of the NPPF (February 2019).

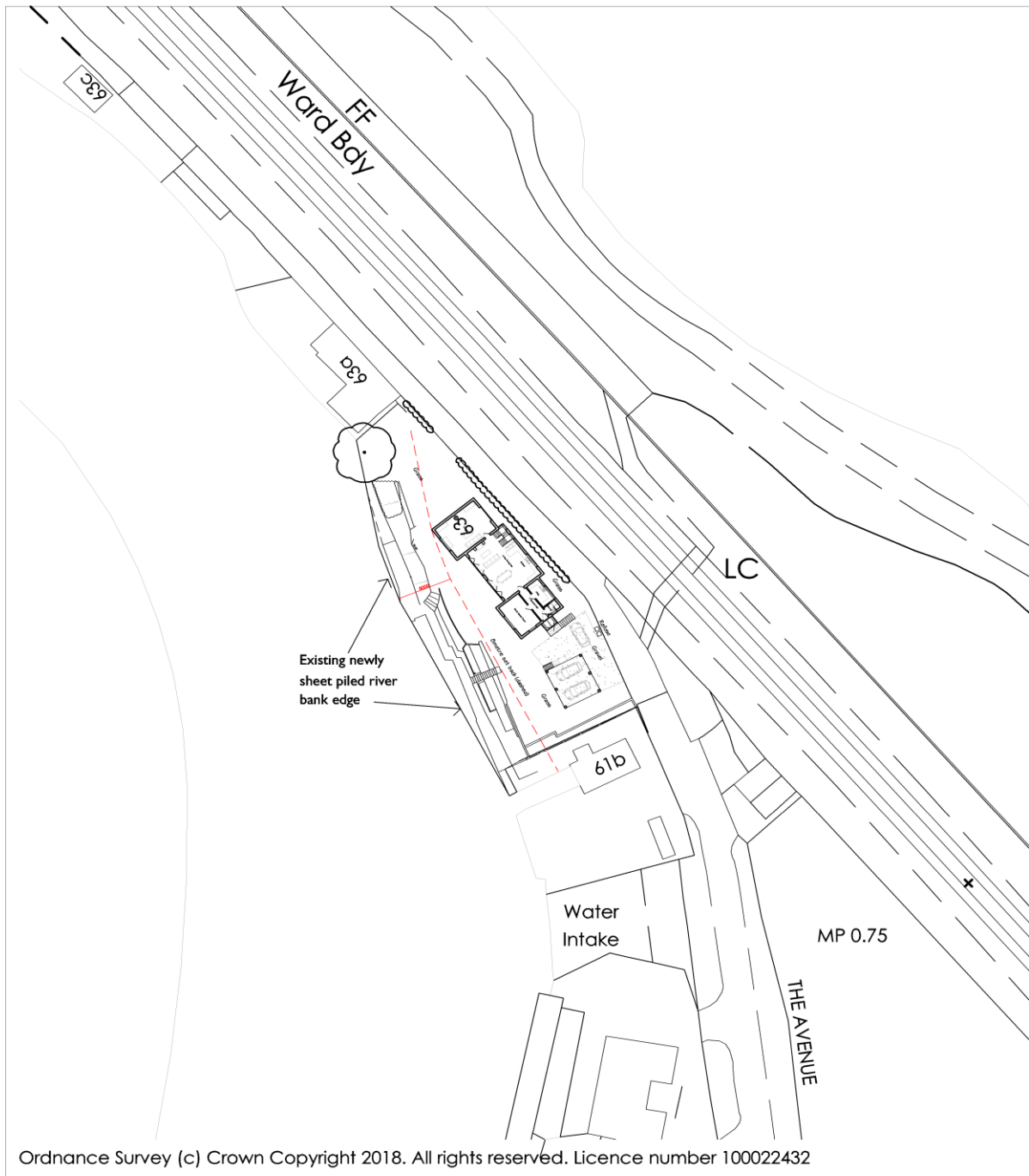


# Site Location Plan

Scale 1:1250



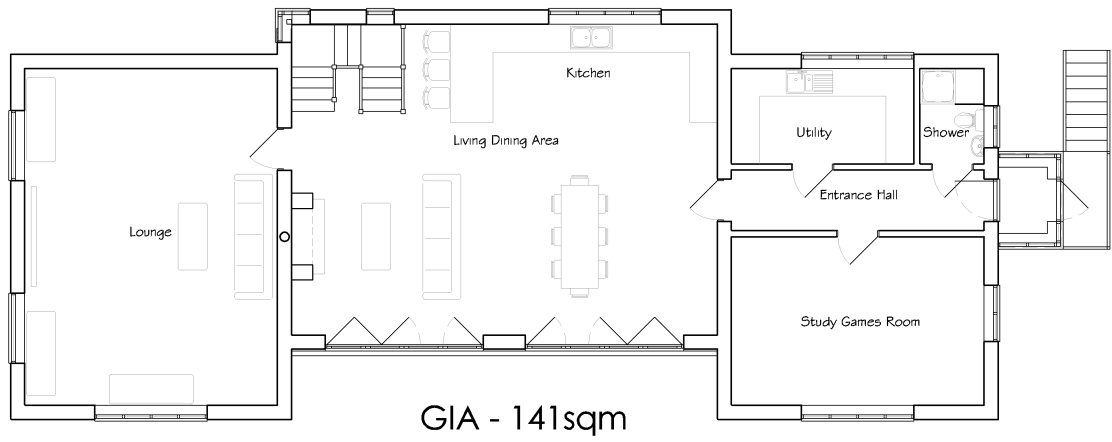
# Proposed Block Plan



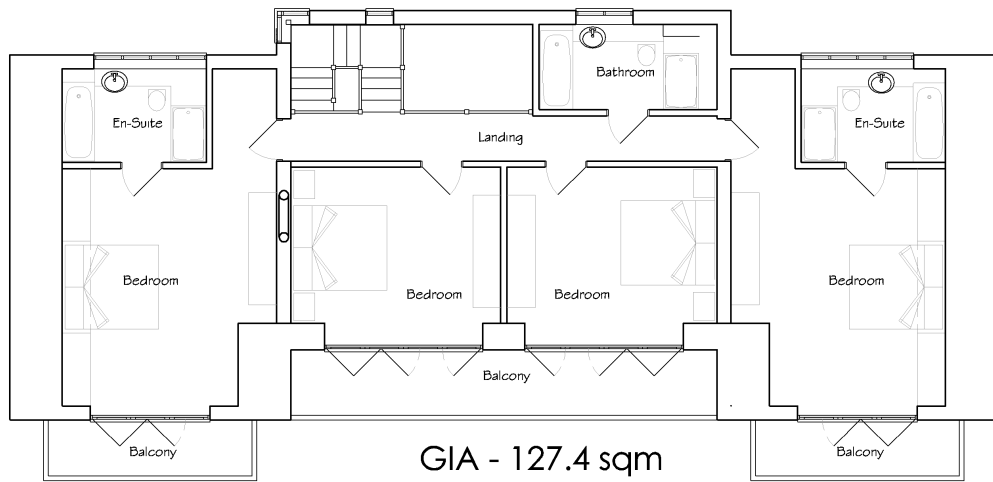
## Proposed Block Plan

Scale 1:500

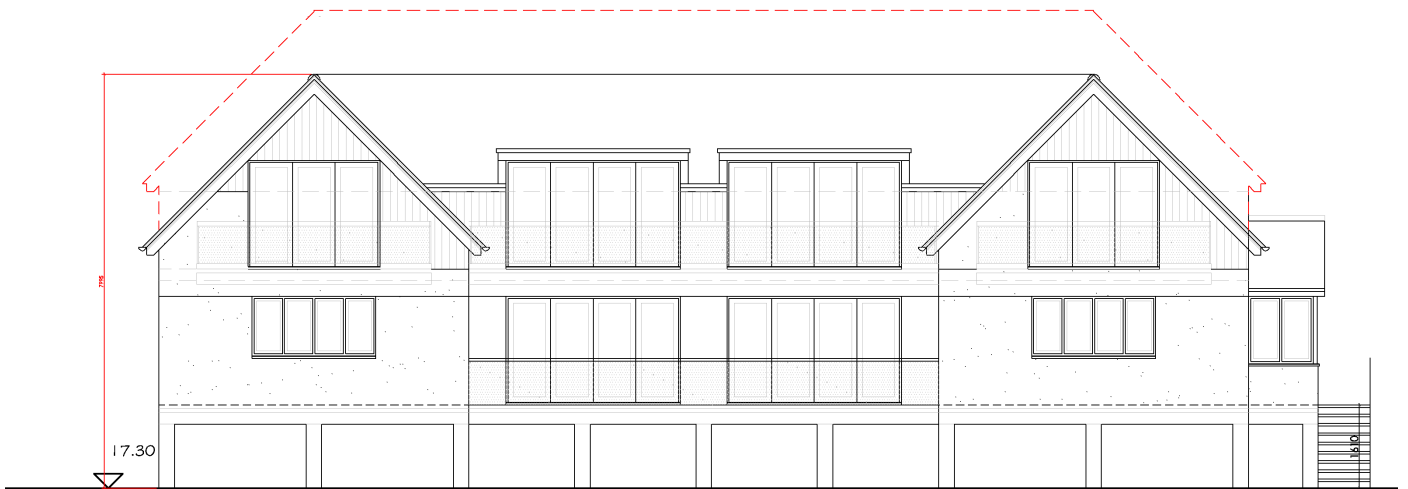
Appendix B – Proposed Floor Plans



Proposed Ground Floor Plan



Proposed First Floor Plan

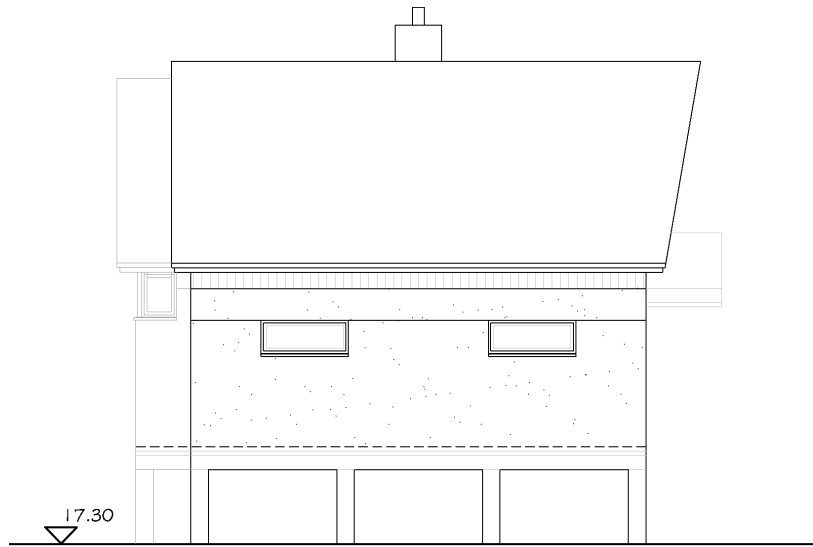


## Proposed West Elevation

Scale 1:100



## Proposed East Elevation



Proposed North Elevation



Proposed South Elevation

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## Planning Appeals Received

26 November 2019 - 20 December 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:** Sunningdale Parish  
**Appeal Ref.:** 19/60118/REF      **Planning Ref.:** 18/03524/FULL      **PIns Ref.:** APP/T0355/W/19/3238418  
**Date Received:** 27 November 2019      **Comments Due:** 1 January 2020  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Detached 4 bedroom dwelling  
**Location:** **Land Adjacent Cherry Tree Cottage Bedford Lane Sunningdale Ascot**  
**Appellant:** Mr Derek Lamb **c/o Agent:** Mr Christian Leigh Leigh & Glennie Ltd 6 All Souls Road Ascot SL5 9EA

**Ward:**  
**Parish:** Windsor Unparished  
**Appeal Ref.:** 19/60120/ENF      **Enforcement Ref.:** 17/50230/ENF      **PIns Ref.:** APP/T0355/C/19/3234518  
**Date Received:** 2 December 2019      **Comments Due:** 27 January 2020  
**Type:** Enforcement Appeal      **Appeal Type:** Written Representation  
**Description:** Appeal against the Enforcement notice: Without planning permission, the erection of a single storey rear extension and attached lean to.  
**Location:** **91 Kentons Lane Windsor SL4 4JH**  
**Appellant:** Dajinder Pal Singh Goraya **c/o Agent:** Mr Syed Naqvi DOTS Architectural Services Ltd 45 New Road Uxbridge UB8 3DY

## Appeal Decision Report

26 November 2019 - 20 December 2019

### WINDSOR

**Appeal Ref.:** 18/60136/REF      **Planning Ref.:** 18/02492/TPO      **Plns Ref.:** APP/TPO/T0355/7066

**Appellant:** Mr Steve Wood - SMW (Tree) Consultancy Ltd **c/o Agent:** Mr Stephen M Wood SMW (Tree) Consultancy Ltd 3 Orchard Close Blackwater Camberley GU17 9EX

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

**Description:** (T7) Oak T7 - Extra Over mature - Air Spade Root investigation and root analysis of soil area within the proposed foundation area to establish what root activity is present and its species. (TPO 50 of 2006)

**Location:** **Land Adjacent Wellington House Rise Road Ascot**

**Appeal Decision:** Dismissed      **Decision Date:** 28 November 2019

**Main Issue:** The Inspector concluded that the appeal trees as a whole have a significant impact on the local environment and it's enjoyment by the public. As such, any works, which disturb the rooting medium of any of the vegetation, leading to the loss of saplings and seedlings, would significantly diminish the character and appearance of the area.

**Appeal Ref.:** 19/60033/REF      **Planning Ref.:** 18/03079/TPO      **Plns Ref.:** APP/TPO/T0355/7297

**Appellant:** G McShane **c/o Agent:** Mr Paul Warrener Branch Management 110 Bagshot Green Bagshot Surrey GU19 5JT

**Decision Type:**      **Officer Recommendation:** Partial Refusal/Partial Approval

**Description:** (T1) - Turkey Oak - Remove selected lower branches to raise canopy up to 6 - 8 metres from ground level and reduce over extending branches in length throughout the remainder of the canopy by 2 - 3 metres. (T2,4,5) - Oak - Reduce in length by 2 - 3 metres the branches that are growing toward the house. (T3) - Sweet Chestnut - Reduce in length by 2 - 3 metres the branches that are growing toward the house.. (TPO 16 of 1985).

**Location:** **6 Martingales Close Ascot SL5 9FQ**

**Appeal Decision:** Dismissed      **Decision Date:** 29 November 2019

**Main Issue:** The Inspector concluded that the Council has taken account of the shading to the rear garden complained of and they have granted consent for reasonable reduction works which would be in accord with best practice. There is no justification for the pruning works proposed.



**Appeal Ref.:** 19/60073/REF      **Planning Ref.:** 18/02651/LBC      **Plns Ref.:** APP/T0355/Y/19/  
3229172

**Appellant:** Mr John Clark **c/o Agent:** Mr Robert Wilson Granit Chartered Architects Unit 18 - 19 16  
Porteus Place London SW4 0AS

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

**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**

**Appeal Decision:** Dismissed      **Decision Date:** 27 November 2019

**Main Issue:**

6 Queens Terrace forms part of a terrace of 9 dwellings. The buildings are 3 storey and set back from the road by a forecourt. The group is Jacobean in design and constructed in brick of varying colours, with prominent gabled fronts to each dwelling. The windows have stone mullions and distinctive honeycomb glazing. The building is believed to have been designed by Samuel Teulon and is Grade II listed. Whilst the listing does not provide details of the interior, it is understood that some of the properties in the terrace have been reconfigured internally. The significance in the asset lies in the fact that it forms part of a well-preserved wider group, and as an attractive surviving example of a building of its type by a prominent architect.

7. The proposal comprises the removal of the internal walls between the existing internal hallway, and the adjoining dining room and kitchen. It is acknowledged that the internal hierarchy of the building would have attributed less importance to the basement and attic, as servants' quarters. The floorplan has likely already been altered, with the inclusion of a WC underneath the stairs, and the likely removal of at least one partition wall within the space inhabited by the existing kitchen. Nevertheless, the cellular layout is an important characteristic of the space. The further alteration of the space would remove the kitchen wall almost entirely, and whilst the original line of the wall would be discernible in the remaining "nibs", the absence of separation would nonetheless erode the plan form and with it, some of the historic character of this part of the house. It would also lead to a loss of historic fabric. Both these factors would cause harm to the significance of the heritage asset.

8. With regard to the removal of the dining room wall, the submitted plans show the partial removal of this structure with the retention of the internal window by means of a steel support. As a result, the window would "float" above an empty space, allowing views of the staircase and open kitchen behind. The retention of the window in this manner would appear contrived and the steel support would introduce an incongruous element. This would fail to preserve the character of this part of the building, or its architectural interest, and would also involve the loss of historic fabric.

9. The Inspector advised that other properties in the terrace have had the walls identified above removed at basement level. For this reason, the Council did not object to the removal of the kitchen wall. The Inspector is not aware of the circumstances, which led to these or other approvals for such works along the terrace. As each proposal must be treated on its own merits, and having regard to the statutory duty under the Act, she does not consider the precedent to be justification in itself. The erosion of the original plan form of the other basements adds some weight to the need to preserve remaining examples of the original plan where appropriate.

10. The works are internal and so would have only limited impact on the external appearance of the building. Due to the level of the front basement window, the front façade would be unaffected and although the greater openness of the ground floor would be evident in views into the basement at the rear, the position of the existing garden extension limits the extent of such views. This matter does not therefore add to the harm identified.

11. The harm identified would amount to "less than substantial harm" which the Framework advises must be weighed against the public benefits of the scheme. The works are intended to improve the existing accommodation and so secure its optimum viable use. The Inspector had no convincing evidence that the existing accommodation is deficient, or that the existing layout prohibits the effective or comfortable use of the asset as a family home. The Inspector therefore gives no weight to this matter as a public benefit. It has also been put to her that the removal of the walls is also intended to allow more light into the central area of the floorplan. Having regard to the depth of the relevant rooms, any increase in light is likely to be very low, if any, and so attributes this matter no weight.

12. The appellant has identified a number of heritage benefits, which would arise if the scheme was implemented in its entirety. These include the removal of inappropriate cornicing and radiators, removal of ceiling speakers and MDF cupboards, the reinstatement of a door to the sitting room and the reuse of part of the floorplan for storage, in line with its probable historical use. Most of these changes could be carried out without also removing the walls as proposed and in any case, whilst the cumulative effect of these minor alterations may be positive, they would not, taken together, outweigh the harm arising from the removal of historic fabric and erosion of plan form that would arise from the scheme.

13. The Framework is clear that heritage assets are an irreplaceable resource and that in considering the impact of development on the significance of heritage assets, great weight should be given to the asset's conservation. The Inspector therefore attributes great weight to the harm, which would arise to the significance of the asset and conclude that the limited public benefits identified would not outweigh this harm. It follows that the proposal fails to comply with national policy outlined in the Framework and with policy LB2 of the Local Plan.

**Appeal Ref.:** 19/60095/REF      **Planning Ref.:** 19/00596/CPD      **Plns Ref.:** APP/T0355/X/19/  
3227351

**Appellant:** Mr & Mrs Dimbylow **c/o Agent:** Mr Cameron Lloyd CAD UP Ltd Landmark House Station  
Road Hook RG27 9HA

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

**Description:** Certificate of lawfulness to determine whether the proposed L-shaped rear dormer and 2no.  
front rooflights following the removal of existing 2no. rear dormer windows and 1no. front  
rooflight is lawful.

**Location:** **307 St Leonards Road Windsor SL4 3DR**

**Appeal Decision:** Allowed      **Decision Date:** 5 December 2019

**Main Issue:** The Inspector considers that the proposed L-shaped former is one discrete operation, not  
separate out its constituent parts. The proposed L-shaped dormer would be a single  
structure, and so as a matter of fact and degree, it would be an enlargement which joins the  
main roof to the roof of the outrigger and conditions B.2 (b)(i)(aa) and B2(b)(ii) do not apply.

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