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NOTICE OF MEETING

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ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

will meet on

WEDNESDAY, 17TH FEBRUARY, 2021

At 6.15 pm

in the

VIRTUAL MEETING - ONLINE ACCESS ON [YOUTUBE](#)

TO: MEMBERS OF THE ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS PHIL HASELER (CHAIRMAN), JOHN BOWDEN, DAVID CANNON (VICE-CHAIRMAN), GEOFF HILL, DAVID HILTON, NEIL KNOWLES, JOSHUA REYNOLDS, AMY TISI AND LEO WALTERS

SUBSTITUTE MEMBERS

COUNCILLORS GURPREET BHANGRA, MANDY BRAR, KAREN DAVIES, ANDREW JOHNSON, GREG JONES, JULIAN SHARPE, SHAMSUL SHELMIM, HELEN TAYLOR AND JON DAVEY

Karen Shepherd – Head of Governance - Issued: 9 February 2021

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Shilpa Manek** 01628 796310

Recording of Meetings – In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain.

If you have any questions regarding the council's policy, please speak to Democratic Services or Legal representative at the meeting.

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	5 - 6
3.	<u>MINUTES OF MEETING HELD ON 16 DECEMBER 2020</u> To approve the minutes of the meeting held on 16 December 2020 to a true and accurate record.	7 - 10
4.	<u>20/01987/FULL - LAND AT AND INCLUDING THE OLD RUINS - ST LEONARDS HILL - WINDSOR</u> PROPOSAL: New dwelling incorporating existing ruins. PV panels within grounds for carbon offsetting RECOMMENDATION: PERMIT APPLICANT: Mr Try MEMBER CALL-IN: N/A EXPIRY DATE: 19 February 2021	11 - 38
5.	<u>20/02689/FULL - LAND WEST OF MAIN FARM BUILDINGS - LOWER MOUNT FARM - LONG LANE - COOKHAM - MAIDENHEAD</u> PROPOSAL: New sports pavilion building with associated parking. RECOMMENDATION: PERMIT APPLICANT: Duncan Gibson MEMBER CALL-IN: N/A EXPIRY DATE: 19 February 2021	39 - 60
6.	<u>20/03418/FULL - LAND ADJACENT TO THE DRAWERY - WINDSOR GREAT PARK - WINDSOR</u> PROPOSAL: Change of use of land for construction of film set and use of associated land for parking and storage purposes for a	61 - 96

5 year period.

RECOMMENDATION: REFUSE

APPLICANT: Mr Hood

MEMBER CALL-IN: N/A

EXPIRY DATE: 18 March 2021

7. 20/02720/FULL - RESEVOIR ASCOT RACECOURSE - WINKFIELD ROAD ASCOT TO PUMPING STATION WEST OF THE POND WATERSPLASH LANE ASCOT 97 - 108

PROPOSAL: Installation of replacement underground water pipeline, replacement plant to pump house and associated works connecting from Ascot Racecourse Reservoir; across Winkfield Road (A330); Royal Ascot Golf Club; Lower Farm; and to the Great Pond.

RECOMMENDATION: REFUSE

APPLICANT:

MEMBER CALL-IN: N/A

EXPIRY DATE: 22 February 2021

8. ESSENTIAL MONITORING REPORTS 109 - 114

To note the contents of the report.

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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

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

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

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

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

“Comments Awaited”.

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

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

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

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

STATEMENT OF THE HUMAN RIGHTS ACT 1998

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

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

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

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

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

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

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

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

Prejudicial Interests

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

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

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

Personal interests

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

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

Agenda Item 3

ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 16 DECEMBER 2020

PRESENT: Councillors Phil Haseler (Chairman), John Bowden, David Cannon (Vice-Chairman), Geoff Hill, David Hilton, Neil Knowles, Joshua Reynolds, Amy Tisi and Leo Walters

Also in attendance: Councillors Gurpreet Bhangra, John Baldwin, Christine Bateson, Gerry Clark, Maureen Hunt and Donna Stimson

Officers: Victoria Gibson, Rachel Lucas, Fatima Rehman, Andy Carswell, Haydon Richardson and Sian Saadeh

APOLOGIES FOR ABSENCE

There were no apologies for absence.

DECLARATIONS OF INTEREST

Councillor Hilton declared a personal interest in Item 4, Shorts Waste Transfer and Recycling Facility, as he had attended a public consultation on previous plans two years ago and had seen a presentation. He confirmed he was attending Panel with an open mind.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on November 18th 2020 be approved as an accurate record.

18/00945/OUT SHORTS WASTE TRANSFER AND RECYCLING FACILITY - ST GEORGES LANE - ASCOT - SL5 7ET

A motion was put forward by Councillor Hilton to defer and delegate to the Head of Planning to grant planning permission, subject to the conditions listed in Section 14 of the main report, and the completion of the necessary s106 agreement to cover the heads of term as set out in section 9 of the report, and subject to no call in being received from the Secretary of State, as per the Officer recommendation. This was subject to a slight amendment to Condition 4 listed in the report, so that it read 'up to 131 dwellings'. This was seconded by Councillor Hill.

A named vote was taken.

Approve application 18/00945/OUT, as per officer recommendation (Motion)	
Councillor Phil Haseler	For
Councillor John Bowden	For
Councillor David Cannon	For
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Joshua Reynolds	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
Carried	

RESOLVED UNANIMOUSLY: That the application be deferred and delegated to the Head of Planning to PERMIT, as per the Officer recommendation.

20/00809/FULL HURLEY HOUSE HOTEL - HENLEY ROAD - HURLEY - MAIDENHEAD - SL6 5LH

A motion was put forward by Councillor Walters to permit the application, contrary to the Officer recommendation. This was seconded by Councillor Hill. The reasons given were that the very special circumstances listed at section 10.2 of the main report should be afforded moderate weighting, as opposed to the limited weight that was given to points one, two and four. It was therefore considered that the very special circumstances listed in the report outweighed the substantial harm caused to the Green Belt.

A named vote was carried out.

Approve application 20/00809/FULL, against officer recommendation (Motion)	
Councillor Phil Haseler	For
Councillor John Bowden	For
Councillor David Cannon	For
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Neil Knowles	Against
Councillor Joshua Reynolds	Against
Councillor Amy Tisi	Against
Councillor Leo Walters	For
Carried	

RESOLVED: That the application be deferred to the Head of Planning to PERMIT, subject to the agreement of conditions with the applicant, contrary to the Officer recommendation.

20/00979/FULL APPLE HILL - HENLEY ROAD - HURLEY - MAIDENHEAD - SL6 5LH

A motion was put forward to approve the application, as per the Officer recommendation, by Councillor Hill. This was seconded by Councillor Cannon.

A named vote was carried out.

Approve application 20/00979, as per officer recommendation (Motion)	
Councillor Phil Haseler	For
Councillor John Bowden	For
Councillor David Cannon	For
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Joshua Reynolds	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
Carried	

RESOLVED UNANIMOUSLY: That the application be PERMITTED subject to the conditions listed in the main report, as per the Officer recommendation.

20/02570/FULL BROADLANDS - BAGSHOT ROAD - ASCOT - SL5 9JN

A motion was put forward to approve the application, as per the Officer recommendation, by Councillor Hilton. This was seconded by Councillor Bowden.

A named vote was carried out.

Approve application 20/02570/FULL, as per officer recommendation (Motion)	
Councillor Phil Haseler	For
Councillor John Bowden	For
Councillor David Cannon	For
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Joshua Reynolds	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
Carried	

RESOLVED UNANIMOUSLY: That the application be PERMITTED subject to the conditions listed in the main report, as per the Officer recommendation.

ESSENTIAL MONITORING REPORTS

Members noted the contents of the reports. Councillor Walters stated that the records showed a good record for the Officers.

The meeting, which began at 6.15 pm, finished at 9.06 pm

CHAIRMAN.....

DATE.....

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Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

17 February 2021

Item: 1

Application No.:	20/01987/FULL
Location:	Land At And Including The Old Ruins St Leonards Hill Windsor
Proposal:	New dwelling incorporating existing ruins. PV panels within grounds for carbon offsetting
Applicant:	Mr Try
Agent:	Ms Dido Milne
Parish/Ward:	Windsor Unparished/Clewer And Dedworth East
If you have a question about this report, please contact: Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk	

1. SUMMARY

- 1.1 Permission is sought for a new family dwelling to be sited on grounds of a former 18th century mansion house. The remaining ruins of the mansion house, a non-designated heritage asset, are to be incorporated into the design and construction of the new dwelling.
- 1.2 The site lies within the Green Belt and the development is inappropriate as it does not fall within one of the limited exceptions outlined within paragraphs 145 and 146 of the NPPF. Furthermore, the siting of the new dwelling would result in some limited impact on the openness and purposes of the Green Belt.
- 1.3 The siting and scale of the dwelling would not result in any harm to neighbouring occupiers. The proposal would be acceptable with regard to impact on the highway.
- 1.4 The proposal would allow for the comprehensive management and long-term protection of the woodland and landscaped gardens. Some concerns have been raised by the Tree Officer however it is considered that these are addressed adequately in the submissions and by details to be submitted via condition. There would be no harm to ecological habitats or protected species and the proposal would result in biodiversity net gains.
- 1.5 The application submissions include a case of Very Special Circumstances comprising four main benefits; innovative and exceptional design quality; preservation and consolidation of a non-designated heritage asset; sustainable design and energy efficiency; and long-term management of the woodland.
- 1.6 The application was presented to a Design Review Panel on 14th December 2020. The panel comprised experts in the field of design, heritage, sustainability and landscape. The panel concluded that the proposal was of exceptional design quality and the sustainability credentials were to be commended.
- 1.7 The benefits surrounding the proposal are considered to cumulatively clearly outweigh the harm to the Green Belt, such that Very Special Circumstances exist in this case to justify the grant of planning permission for this single dwellinghouse.

It is recommended the Panel grants planning permission with the conditions listed in Section 12 of this report.
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2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises approximately 9 hectares of land immediately to the north of Legoland with access from St Leonard's Hill which lies to the west. The built-up area of Windsor lies to the north with the site located on the south-western edge. The entire site lies within the Green Belt.
- 3.2 Within the site lies the ruins of a former mansion house, which was originally constructed in the early 18th century and then extensively remodelled during c.1870 in an ornate 'French Chateau' style. In the 1920s, parcels of land were sold as building plots, most notably along the drive where new residential dwellings were constructed during the 1920s and 1930s (St. Leonards Hill). In the 1920s, the mansion house itself was largely destroyed by an explosion and fire. This resulted in large quantities of dressed and decorated blocks of stone strewn across the site. The servants' wing survived until the 1950s when this burnt down.
- 3.3 Today, the ruins of the mansion house comprise the colonnade and the south east frontage, which are considered to be a non-designated heritage asset. The site also includes the former landscaped gardens and woodlands, which have largely been left unmanaged and which fall within an Area of Special Landscape Importance (Farmed Parkland). Trees on the site are covered by a blanket TPO. Within the former landscaped gardens and woodlands are the remains of the kitchen garden, icehouse and grotto.

4. KEY CONSTRAINTS

- 4.1 Green Belt
Non-designated Heritage Asset
TPO

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal is for a single family dwellinghouse. The proposed building is a flat roofed 2 storey contemporary structure, with living accommodation on the upper ground floor level and non-habitable accommodation together with a guest bedroom on a partially sunken lower ground floor.
- 5.2 To the west the original driveway to the stables is to be used for access to a parking area and the main carriage drive retained as a route to the new house. To the west there will be a rectangular wild swimming pool.
- 5.3 In terms of the planning history, in 1955 Outline Planning consent was granted for 10 dwellings, glasshouse and new dwelling to replace the mansion house, ref: 4587, but did not progress further. In 1981 a planning application was submitted for 63 dwellings, ref: 460388, and another application submitted 6 dwellings, ref: 460389. Both were appealed against non-determination and subsequently dismissed.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10 and H11
Impact on Green Belt	GB1, GB2 and GB3
Highways	P4 and T5
Trees	N6
Historic Environment	ARCH2, ARCH3 and ARCH4

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

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 16- Conserving and enhancing the historic environment

National Design Guide

- 7.1 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 on layout, form, scale, appearance, landscape, materials and detailing. It further highlights ten characteristics 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 (BLPSV)

Issue	Local Plan Policy
Green Belt	SP1, SP5
Character and Appearance	SP2, SP3
Highways	IF2
Historic Environment	HE1
Trees, Woodland and Hedgerow	NR2
Biodiversity	NR3

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Green Belt	SP1, QP5
Character and Appearance	QP1, QP3
Sustainable Transport	IF2
Historic Environment	HE1
Trees, Woodland and Hedgerow	NR3
Biodiversity	NR2

- 7.2 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.

7.3 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 have been reviewed by the Council and the Proposed Changes have been submitted to the Inspector. The Examination of the BLPSV has now resumed and hearings were held at the end of 2020. 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.

7.4 These documents can be found at:
<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

Windsor Neighbourhood Plan (2011-2026)

7.5 The Windsor Neighbourhood Plan has been submitted for referendum but not yet formerly adopted by the Council. It is a material consideration but of limited weight at this time.

Issue	Neighbourhood Plan Policy
Design in keeping with character and appearance of area	DES.01
Highways/Parking	PAR.01
Residential Amenity	RES.01
Heritage	HER.01

Supplementary Planning Documents

- Borough Wide Design Guide SPD

Other Local Strategies or Publications

7.6 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:
<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

30 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 14.09.2020 and the application was advertised in the Local Press on 17.09.2020

7 letters were received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	The unique site deserves to be lived on and enjoyed. The dwelling will be there for generations to come	Sections iii and iv
2.	Re-use of the old stone is resourceful and sustainable	Section viii
3.	It is clear that the owner loves the site and has spent most of his life looking after it	Section iii

4.	The site is often opened up to local residents for family days/theatre experience	Noted
5.	The site has a great historical importance to Windsor and the proposed plans are respectful of this	Section iv
6.	The proposal is respectful of the environment	Section iii and iv
7.	The design is outstanding and beautiful	Section iii
8.	The zero carbon ambition is supported	Section viii

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

Comment		Where in the report this is considered
1.	Detrimental impact to Green Belt	See section ii
2.	Negative and detrimental impact on The Old Ruins, a place of historical significance	See section iv
3.	Impact on wildlife, trees. Many species are protected under the wildlife and countryside protection Act 1981.	See section vii
4.	The development would bring noise and disturbance	See section v
5.	Historical monuments and ruins that are a link to past generations should not be incorporated into a dwelling but preserved for future generations to see and access	The re-use of the site for a single residence would allow the ruins to be preserved.
6.	Concerns about the preservation of natural woodland given the track record of unlawful clearance and tree felling. The development proposes to remove a further 42 trees	See section vii
7.	Visual impact from removal of trees. Further consideration should be given to replanting along the boundary with St Leonards Hill	A landscaping scheme is to be sought via condition
8.	Impact on natural SUDs drainage capacity	The implementation of the submitted SUDs strategy will be secured by condition
9.	The removal of 42 trees within the woodland would reduce the natural noise barrier between legoland and local residents	The trees to be removed are category C or U trees. The tree removal needs to be considered in the wider context of the significant tree retention and woodland management
10.	More action should be taken towards how the woodland can be preserved and enhanced.	Section vii

11.	The development will result in increased traffic, putting strain on the private road. Can there be provision to reinforce or resurface the parts of the road in disrepair.	One dwelling will not make a material difference to highways traffic. Construction impacts are managed through environmental protection legislation.
12.	Impact from noise during construction and potential unsociable hours	Construction impacts are managed through environmental protection legislation.

Consultees

Consultee	Comment	Where in the report this is considered
Conservation	It is considered that the proposal would not cause harm to any heritage assets, and this proposal is supported in principle, on both conservation and design grounds.	See section iv
Trees	Concerns regarding residential intensification of the site and the pressure to prune trees as a result on the PV panels. Conditions recommended.	Discussed in detail in section vii
Highways	No objection subject to condition	See section vi
Ecology	No objection subject to condition	See section vii
Archaeology	The application site falls within an area of archaeological significance and archaeological remains may be damaged but ground disturbance for the proposed development. A condition should be attached in order to mitigate the impacts of the proposed development.	See section iv
Environmental Protection	No objection subject to conditions and informatives	Only conditions that are reasonable and necessary will be attached to the decision

Others

Group	Comment	Where in the report this is considered
Windsor Neighbourhood Plan Group	The WNP committee supports the application. Query as to why the description has been changed to from 'proposed house' to replacement dwelling' as no house has existed on site for more than a century. The development would enable the long-term future of the Ruin and surrounding landscape to be protected. The proposal would re-use the existing material on site The proposal would accord with emerging Neighbourhood Plan policy HER.02	Comments noted and expanded upon in the main report.

	<p>The proposals create an opportunity for the trees and landscape of St Leonards Hill to be properly managed. The proposals accords with emerging policies VIE.01 (views) and BIO.02 (biodiversity) of the Neighbourhood Plan.</p> <p>The dwelling would be of exceptional quality and a truly outstanding and innovative design and sensitive to the characteristic of St Leonards Hill.</p> <p>It is requested that parking area is screened from the south view of the ruins as this is the most important aspect of the site. The drawings are not clear on this point.</p>	
Windsor and Eton Society	<p>The Society supports the application. Very Special circumstances exist which clearly outweigh the harm to the Green Belt including the conservation and enhancement of the heritage asset. The development would enable the long term future of the ruins and extensive landscape.</p> <p>Approval of the application will enable a long term management plan of the woodlands and gardens.</p> <p>The design is an outstanding solution for a modern family home. The proposal will re-use existing stones and other material on the site.</p> <p>The proposal meets the test in NPPF paragraph 79 in that it is of exceptional quality, and a truly outstanding and innovative design.</p>	Comments noted and expanded upon in the main report

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Background/History
- ii Whether the development is inappropriate development in the Green Belt and whether there is any other harm to the Green Belt
- iii Impact on the Character of the Area and design
- iv Heritage
- v Impact on Residential Amenity
- vi Parking/Highways considerations
- vii Trees, Woodland and Ecology
- viii Sustainable Design and Construction
- ix Case of Very Special Circumstance (VSC)
- x Other material considerations

i. Background/History

9.2 This site includes the gardens and ruins of St Leonard's Hill, which historically was a very grand mansion. The site has archaeological interest, from as early as the Roman period onwards. A house was constructed on the site of the current ruins in the early 18th century, it was enlarged in the late 18th century and then extensively remodelled by its owner, Sir Francis Tress Barry, during the 1870s. This last phase of work was to the design of Charles Henry Howell and in the ornate "French chateau" style.

- 9.3 Following the death of Sir Francis, the house proved difficult to sell because of its high running costs and lack of modern services. As a result, during the 1920s his widow began to sell off parcels of land as building plots, most notably along the drive. Following a second unsuccessful attempt at selling the house in 1924 and upon her death in 1926, the son inherited the property and proceeded to destroy the main house by blowing it up. This resulted in large quantities of blocks of dressed and decorated stone and bricks being strewn across the site. The servant's wing, kitchen garden and vine house, however, survived.
- 9.4 During the later 1920s and 30s there were numerous proposals for the development of the estate and in 1942 it was sold to Reginald Try; who's descendants still own it. He gained consent for further development, although this was not realised. The servant's wing burnt down in the 1950s, and today the romantic ruins of the house, icehouse, grotto and parts of the walled garden remain amid substantial, although largely unkept, landscaped grounds. The gardens include an important collection of camellias, and a significant number of large veteran trees. The house and its wider site are a remarkable, atmospheric and attractive survival.
- 9.5 The current proposal has been borne out of several years of careful planning and design, which has considered the historic significance of the site in the development proposals. The applicant has put together a design team to draw together the different considerations needed for development on this sensitive and important site.

ii. Green Belt

- 9.6 Paragraph 143 of the NPPF explains that inappropriate development in the Green Belt is harmful and that it should only be approved in Very Special Circumstances. Paragraph 144 continues by stating that when considering planning applications, substantial weight should be given to any harm to the Green Belt. "Very Special Circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 9.7 Adopted Local Plan policies GB1 and GB2, whilst dated, largely reflect the national Green Belt policy position by only allowing a few certain forms of development, other than in Very Special Circumstances. Policy SP5 of the Borough Local Plan submission version states that the Metropolitan Green Belt will continue to be protected, as designated on the Policies Map, against inappropriate development. Permission will not be given for inappropriate development (as defined by the NPPF), unless very special circumstances are demonstrated.
- 9.8 The proposal is for a new residential dwelling within the Green Belt. Whilst the proposal was originally described as a replacement dwelling, given that the former dwelling was destroyed a considerable time ago, the former use of the site for residential purposes has effectively been abandoned. The proposal is therefore more accurately described as a new dwelling. Paragraph 145 of the revised NPPF outlines that the construction of new buildings should be regarded as inappropriate development apart from a few limited exceptions. The construction of a new dwelling does not fall within any of the limited exceptions in paragraph 145 or 146 of the NPPF and is therefore inappropriate development.
- 9.9 The proposed dwelling is single storey and would be nestled behind the existing ruins on the siting of the former mansion. Its scale and form is very modest (and to be constructed partially below ground level) and the structure is considered to blend into the existing landscape such that the impact on the openness of the Green Belt is very limited. The proposal also includes some PV panels to be constructed within the wider grounds of the new dwellinghouse in the south-west part of the site. These panels would be of very limited height and well screened by trees and woodland. This part of the proposal would also result in limited harm to the openness of the Green Belt. Finally, it must be accepted that the proposal would result in an encroachment of the countryside by reverting the use of the land back to residential. This harm to purposes again is limited given the modest scale of development.
- 9.10 The collective harm identified to the Green Belt is afforded **substantial** weight in accordance with paragraph 144 of the NPPF. It is therefore necessary for the Local Planning Authority to consider

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

iii. Design Considerations and Impact on Character

Policy Background and context

- 9.11 Policy DG1 of the Local Plan provides the overall guidelines for assessing the design of new development. Policy H10 states that new residential development will be required to display high standards of design and landscaping in order to create attractive, safe and diverse residential areas and, where possible, to enhance the existing environment. The Borough Wide Design Guide SPD is also a material consideration and sets out the over-arching specific design considerations for developments of this nature.
- 9.12 Section 12 of the NPPF (2019) deals with achieving well designed places and ensuring the delivery of developments that will function and contribute to the overall quality of the area in the long term. To achieve this, development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; they should be sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 9.13 The NPPF further encourages local planning authorities to utilise design advice and review arrangements, particularly for significant projects such as large-scale housing and mixed use developments. In assessing applications, local planning authorities should also have regard to the outcomes from these processes, including any recommendations made by design review panels. It should be noted that the proposal went to a Design South East review panel for review in December 2020.
- 9.14 The scale of the proposed development is such that it would have very limited impact on the wider character of the area. Indeed the new dwellinghouse would have very limited visibility from outside the application site. It is therefore considered that its impact on the surroundings would be minimal.
- 9.15 With regard to the design and external appearance of the dwellinghouse, the applicant has sort to achieve something innovative and exceptional both aesthetically and in terms of the sustainable construction. As stated above, the design of the dwellinghouse has been borne out of years of careful planning and research, coupled with discussions with the Local Planning Authority as to how to achieve the best design approach for this sensitive site.
- 9.16 The ruins of the original house would be retained, consolidated and linked to the new structure. The new building is to be constructed using reclaimed and sustainable materials. It would be laid out in such a way as to align with the layout of the ruins; and designed around a sunken courtyard, positioned over the heart of the original house. This would be enclosed at the upper level by the ruins and by the original cellar walls to the south. The new walls at the lower level will be constructed from bricks reclaimed from the site and designed to reflect the architectural features of the cellars.
- 9.17 The courtyard is to be landscaped in a manner that reflects its semi wild state. To the east the facades will be fully glazed to take advantage of the views toward Windsor Castle, with the other elevations containing less glazing, but all wrapped with simple stone pillars, reflecting the columns of the ruined colonnade. The new building will have external access from both levels; however, the main entrance will be at upper ground level via a ramp and covered raised walkway with views onto the central courtyard garden. This will lead to a separate work space above an archive area both of which will overlook the double height original kitchen, which will be retained as an open space. At the end of the walkway is the main entrance to the house.
- 9.18 The current proposal has been subject to a Design Review Panel. The report produced following the Design Review sets out the panel's support for the proposal in terms of design, stating that the development has the exceptional quality required were Paragraph 79 of the NPPF to apply,

and should be allowed to override the green belt designation. Specific comments relating to design and architecture are as follows:

- *'The manner in which contemporary architecture and the heritage asset are combined is excellent.'*
- *'The scheme will form a marriage of new and old that is rare and could and should be exemplary as a way to reimagine pieces of otherwise redundant historic fabric.'*
- *'To have architecture that is clearly contemporary is sound. It differentiates new build and the ruin, and it respects the colonnade without resorting to pastiche. The outcome is something that can proudly take its place on the timeline of St Leonards Hill.'*
- *'The panel applauds client and design team for achieving this.'*

9.19 It is therefore concluded that the impact of the new dwellinghouse on the surroundings would be minimal and the external appearance and design of the dwelling can be deemed high quality, innovative and exceptional. The innovation and exception design quality of the dwelling is a clear benefit of the proposal to be afforded weight in the case of Very Special Circumstances (see section ix).

iv. Heritage

9.20 The Planning (Listed Buildings and Conservation Areas) Act 1990 (amended) requires planning authorities to preserve or enhance the significance of heritage assets through the planning process, according to the provisions of the Act. The Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.21 The NPPF 2019 places strong emphasis on the desirability of sustaining and enhancing the significance of heritage assets and affords great weight to the asset's conservation. Paragraphs 193 to 196 of the NPPF state that the historic environment will be conserved and enhanced in a manner appropriate to its significance, and any harm to the significance of a heritage asset (whether designated or non-designated) or its setting will not be permitted unless the harm to the special interest is outweighed by public benefit. Paragraph 200 sets out that Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of designated heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Significance of Heritage Asset

9.22 The ruins of the building and its gardens can be considered as locally important non designated heritage assets. The NPPF states that heritage assets, whether designated or not, are a "...irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

Assessment by Conservation Officer

9.23 This proposal has been subject to considerable pre-application discussion, and the design of the building and its green credentials are considered to be exemplary. The future of the ruins of the Victorian House will be secured for the long term and their setting enhanced by the thoughtful design of the new building, its use of salvaged material from the site and its considered landscaping. Given the scale and height of the proposed new structure, it is unlikely that there would be any impact on long views towards the site from the Castle and Great Park, both designated heritage assets.

9.24 The Conservation Officer has identified a number of points that require some further information/clarification surrounding the construction, materials and works within the wider grounds. These are to be dealt with via conditions which cover external materials (conditions 2 and 3), consolidation and restoration of the ruins (condition 4), restoration and management of

the gardens (condition 5), details of original and proposed footings (condition 6) and details of fenestration and other detailed design features (condition 7).

- 9.25 In conservation terms, the proposal is supported, as it would secure the consolidation of the existing structures on the site and provide a use for the ruins, ensuring their long-term protection and maintenance. The gardens and woodland surrounding the ruins are important in terms of providing a setting for the structures and are also of considerable historic, aesthetic and ecological interest. Proposals for their restoration should be part of the overall scheme. The Design Review Panel also considered that the restoration of the wider site needs to be tied into the proposals – this will be covered by condition 5. Therefore, it is considered that the proposal would not cause harm to any heritage assets, and this proposal is supported, both in conservation and design grounds.

Archaeology

- 9.26 Berkshire Archaeology have advised that there are potential archaeological implications associated with this proposed scheme. Many important archaeological finds have been discovered around the proposed development area including Roman brass and silver coins, an Iron Age horn cap and several bronze objects. The site is also the known location of St Leonards chapel, first mentioned in 1215. Therefore, the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance in the construction of the proposed development. It is therefore recommended that a condition is applied should permission be granted in order to mitigate the impacts of development in accordance with Paragraph 199 of the NPPF which states that local planning authorities should *'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'*. (Condition 8).

v. Impact on Neighbouring Amenity

- 9.27 The NPPF identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Specifically, Paragraph 127 of the NPPF states that planning decisions should ensure that development should achieve a high standard of amenity for existing and future users.
- 9.28 Given the significant separation distance between the new dwellinghouse and the nearest neighbouring properties, coupled with the limited height of development, it is not considered that there would be any undue harm to neighbouring amenity in terms of loss of light, visual intrusion or loss of privacy. Noise and disturbance from a single family dwellinghouse would also be very minimal.

vi. Highway consideration and parking provision.

- 9.29 The proposal sits within the outskirts of Windsor Town Centre, at approximately 4.2 km from the closest train station, suffering from poor accessibility levels. As shown on drawing no. 1613 / P03, access to the site will be gained via a prolonged existing track which is accessed off St Leonards Hill.
- 9.30 Maximum parking standards for dwellinghouses are set at 3 spaces for 4-bedroom units located within poor accessibility areas. The development proposes 5 car parking spaces plus a disabled parking space, adding up to a total of 6 bays. The proposed parking will be located adjacent to the dwelling on a permeable hard-standing area and should be laid out prior to occupation of the development (condition 9). Consideration will need to be given to the appearance of this hard-surfacing and this is covered by condition 3.
- 9.31 The development is likely to generate 8 new extra daily trips. The Highway Authority does not consider that this would have an impact on the local highway network.
- 9.32 C3 residential standards are set at one cycle parking place per dwelling. The development proposes 4 cycle parking spaces within an accessible, enclosed area (Drawing no. 1613 / P04).

As shown on Drawing no. 1613 /P04, bin storage is located adjacent to the cycle parking. The cycle parking and bin storage is considered acceptable in terms of meeting the relevant highway standards and ensuring that harm to sensitive areas of the site in terms of trees and ecology is minimised. Cycle parking and bin storage are covered by conditions 10 and 11.

vii. Trees, Woodland and Ecology

Trees

- 9.33 The woodland and trees within the site are subject to Tree Preservation Order (TPO) 37 of 1959. The site also contains veteran trees. Veteran trees are trees which, because of their age, size or condition are of cultural, historical, landscape and nature conservation value. They are irreplaceable. The NPPF supports the protection of these trees. As the site hasn't been proactively managed for some decades, there are many trees which carry defects, but which are beneficial to various species, such as saproxylic insects, nesting birds and roosting bats.
- 9.34 The site is classed as priority habitat (Deciduous lowland woodland and Woodpasture and Parkland). UK BAP priority habitats are those that were identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan. The UK list of priority habitats was drawn up in compliance with the requirements of the Natural Environment and Rural Communities (NERC) Act 2006 (England) Section 41.
- 9.35 The red line site boundary encompasses the woodland and parkland and any grant of permission will result in a change in the land use classification to 'residential' and the tree officer has expressed concerns that this change in use would pose a threat to the well-being of these trees through potential need to prune and fell trees. However it must be accepted that the land is already owned by the applicant and used on an ad hoc basis by the applicant and his family. The change of use of the land to house a single dwellinghouse would not result in materially greater levels of activity within the site and woodland. Furthermore, the granting of planning permission would formally allow for the protection and management of the woodland, which would not happen if planning permission were refused.
- 9.36 Concerns have been raised regarding the felling of 42 trees. These trees are mainly identified as category C or U trees within the arboricultural survey and must be viewed in the context of the significant tree retention on site (the survey includes 146 individual in addition to groups and woodland trees). This level of tree loss is considered acceptable.
- 9.37 The tree officer has raised concerns that the installation of PV panels in the area of the disused water tank would bring about pressure to fell or detrimentally prune trees. The PV panels are to be sited within an area of open land. There is some dispute between the applicant and the Tree Officer as to the impact on those trees in closest proximity to the proposed panels. The applicant has advised that only laurel has been cleared to make way for the siting of the panels and the closest woodland trees are a significant distance away. The PV panels are an integral part of the proposal, necessary to realise the applicant's aims of reaching a net zero carbon development and are therefore supported in principle. Further details will be required to be submitted regarding their height, siting, construction and arboricultural impact such as to minimise the impact on trees within the woodland (condition 25).
- 9.38 The indicative landscaping is considered acceptable but detailed information needs to be submitted via condition (condition 12). Other conditions relating to tree protection, submission of an arboricultural method statement and underground services are recommended to cover the works to the dwellinghouse and the wider grounds including the PV panels (conditions 13, 14 and 15).
- 9.39 The Tree officer has also expressed concerns regarding unnecessary additional tree planting as a means of carbon off-setting. The Woodland Management Plan, to sympathetically manage the woodland/parkland is of upmost importance and needs to be updated to reflect the comments/concerns raised by the tree officer (condition 16).

Ecology

- 9.40 The application site falls within 500m of Windsor Forest and Great Park Special Area of Protection (SAC, SSSI) and is within the SSSI Impact Risk Zone. The proposed development is for one dwelling and therefore there will be no impact on this designated site given the small scale and nature of the development. In addition, the surrounding woodland is to be retained and enhanced and therefore will provide a buffer between the proposed development and the SAC. The development is in close proximity to Hemwood Dell Local Wildlife Site (LWS). In order to ensure that the development during construction will not cause an indirect effect on the LWS, appropriate pollution prevention measures should be adhered to. It is therefore recommended that a Construction Environmental Management Plan (CEMP) is implemented. This is to be secured via condition 17.

Habitats

- 9.41 As stated above, the proposed development is situated within a woodland, which is likely to constitute Lowland Mixed Deciduous Woodland Priority Habitat. Removal of trees would result in a loss in priority habitat. However, the applicant has provided a woodland management plan which provides details of the enhancements and management of the woodland surrounding the site for a 20-year period. This includes native species tree planting to create a mosaic of ages of trees, native shrub planting, monitoring of the veteran and mature trees on an annual basis, and creation of wood pasture. The details of the management and maintenance of the woodland has been detailed in the woodland management plan. The Ecologist is satisfied with the plan, however the Tree Officer has recommended several updates to the plan before it is implemented, and this is covered by condition 16.

Badgers

- 9.42 A number of badger setts were recorded on site within the surrounding woodland, the closest badger sett being recorded over 50m away, therefore it is unlikely that the badger setts will be impacted by the proposed development. However, given the likelihood that badgers traverse the application site and can open new setts overnight, a condition is to be attached to ensure that the site is re-surveyed prior to commencement of works and, if there is a new sett in close proximity to the proposed development, it may need to be excluded under licence to Natural England. (This will be covered by condition 17 relating to the CEMP).

Bats

- 9.43 The submitted bat survey recorded a brown long eared bat hibernating within the ruins and droppings within the cellar. Both the cellar and ruins will be retained as part of the development, however the roosts may be disturbed during construction of the dwelling. The trees that are to be removed as part of the development were deemed to be of low/ negligible potential to support roosting bats and therefore no further survey of the trees is required.
- 9.44 If a bat roost will be affected by the works, a licence for development works affecting bats (i.e. for derogation from the provisions of the Habitat Regulations) will need to be obtained before works which could impact upon the roost can commence. A condition is included requiring that a copy of the EPSL for bats, issued by Natural England, is provided to the Local Planning Authority prior to the commencement of site works and that the development be carried out in accordance with the details within the agreed licence (condition 19). Planning Authorities have statutory duties under The Habitat Regulations and need to be satisfied that a license for development works affecting bats is likely to be granted by Natural England. Given the proposed mitigation it is considered that the proposed works would be likely to receive a bat license and officers consider that the proposed development pass the three tests of The Habitat Regulations (set out in subparagraphs 53(2)(e), (9)(a) and (9)(b)).
- 9.45 A number of bats were recorded to be using the site for foraging and commuting. As the proposed dwelling will cause an increase in lighting at the site, the applicant has provided a lighting note as part of the woodland management plan which provides details of how the applicant will reduce the impact of lighting at the site. A lighting scheme should be prepared and secured via a planning condition (condition 18).

Great crested newts and reptiles

- 9.46 The Ecologist is satisfied with the survey work submitted in relation to Great crested Newts and reptiles. Precautionary measures are to be undertaken during site clearance and works, details of which can be provided as part of the CEMP (condition 17).

Breeding birds

- 9.47 All birds, their nests and eggs, are protected by law. It is a criminal offence (with certain exemptions) to deliberately or recklessly take, damage or destroy the nest of any wild bird whilst it is in use or being built. The trees and vegetation to be cleared is likely to be suitable for use by nesting birds. This matter is covered by an informative.

Biodiversity Enhancements

- 9.48 In line with paragraph 175 of the NPPF and Policy NR3 of the emerging Borough Local Plan, opportunities for wildlife should be incorporated into the development. The ecology report and woodland management plan contain recommendations for biodiversity enhancements at the site including native species tree and scrub planting, retention of standing and fallen dead wood, provision of hibernacula and log piles, enhancement of the grassland, removal of non-native species and provision of gaps in the boundary fences to allow mammals to transverse through the site. Details of such enhancements are to be provided within a biodiversity enhancement scheme (condition 20).

Conclusion on impact on trees, woodland and ecology

- 9.49 The harm identified to trees within the woodland as a result of the PV panels and additional tree planting for carbon off-setting is to be addressed through the submission of further information relating to the PV panels and an updated Woodland Management Plan. The use of the site for residential purposes will not materially alter the level of activity within the site and woodland from the current situation given that the site would be used as a single-family dwelling. Furthermore, the granting of planning permission would secure the long-term management of the woodland which would bring about enhancement to trees, wildlife and biodiversity. In the absence of a planning permission the trees and woodland would remain unmanaged. Conditions are recommended to secure the woodland management plan is updated and implemented and that trees are protected and retained in line with the arboricultural impact assessment.

viii. Sustainable Design and Construction

- 9.50 One of the main aims of the proposal was to design a dwellinghouse which could set an example in terms of its green credentials, through sustainable design and construction. This is an important consideration given the Council's declaration of a climate emergency and the newly adopted Climate Change Strategy. Furthermore, the NPPF advises that the planning system should encourage the re-use of existing resources and help reduce greenhouse gas emission through design of development.
- 9.51 The Council are in the early stages of producing a Sustainable Design SPD. Whilst there is no adopted local policy on sustainable energy, the Borough Wide Design Guide includes advice on Solar Design and Climate Change and minimising energy consumption through the promotion of dual aspect living accommodation.
- 9.52 The environmental report sets out that the proposal would re-use existing materials on site from the former mansion and utilise timber within the structure and external finishes, thus reducing embodied carbon emissions. Other design solutions have been considered including orientation of the building, the amount of glazing and shading and the thermal properties of materials. The use of PV panels and additional tree planting will also contribute to the carbon off-setting. The results of this approach is a development that is targeting net zero carbon over its lifespan and meeting RIBA Climate Challenge 2025 targets. This clearly goes above and beyond what is

expected of new dwellings in terms of their construction. Another important point is that the beauty/exceptional design of the building would ensure its long term retention for generations to come – this was recognised by the Design Review Panel. A detailed energy strategy is to be requested via condition (condition 21).

ix. Very Special Circumstances

Harm to the Green Belt and any other harm

- 9.53 The harm to the Green Belt as a result of inappropriateness combined with the limited harm to openness and purposes must be afforded **substantial** weight in accordance with paragraph 144 of the NPPF. The proposed development is considered to comply with the development plan and NPPF in all other respects.
- 9.54 On the other side of the balance, the applicant has highlighted several considerations within the submissions that need to be assessed to determine whether Very Special Circumstances exist to outweigh the harm identified above.

Exceptional Design Quality

- 9.55 It is pertinent at this point to comment on paragraph 79 of the NPPF which states that planning decisions should avoid the development of isolated homes in the countryside unless the design is of exceptional quality, in that it is truly outstanding or innovative, reflecting the highest standards in architecture and would help raise standards of design more generally in rural areas; and would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area. Whilst the Local Planning Authority does not consider that the site can be deemed as an isolated site in countryside, the test of innovative design can still be a material consideration and could amount to a Very Special Circumstance in exceptional cases.
- 9.56 The proposed design of the dwellinghouse has been borne out of considerable thought and discussion over the years. The applicant has put together a design team specific to the purposes of designing a dwellinghouse for this sensitive and historic site. The design review panel have commended the proposal and advised that were the proposal to fall under paragraph 79, it would meet the necessary tests of exceptional design quality and would have the merit to justify the inappropriate development in the Green Belt. Whilst the LPA are not of the opinion that the application site is an isolated site within the countryside, that does not negate from the qualities of the proposal and the truly innovative design that has been found to exist in this case which could not easily be repeated without the years of hard work and dedication that has been shown here by the applicant and the design team. In light of the high praise from the Design Review Panel it is considered that **substantial** weight be given to this benefit.

Retention and preservation of Non-designated Heritage Asset

- 9.57 It has been concluded that the proposal would ensure the long-term retention and protection of the non-designated heritage asset. If planning permission were to be refused, the non-designated heritage asset would remain in situ but without formal controls over its future preservation and therefore may fall into disrepair at an earlier point in time than if the proposal were to be implemented.
- 9.58 Also to be noted is how the proposal incorporates the ruin into the proposed dwelling. The scheme therefore meets two aims of para 79 (b) concerning heritage and (e) concerning exceptional quality. The design review panel have recognised that hitting both points reinforces the true quality and specialness of the approach and resultant scheme
- 9.59 This is a benefit to be afforded weight in the planning balance, albeit **moderate** weight as the heritage asset is non-designated.

Sustainable Design and Construction

- 9.60 The proposal has sort to achieve high standards of sustainable design with an overall aim of achieving net zero carbon over its lifespan. The conclusions of the design review panel were that the environmental sustainability principles which have been embedded into the scheme are to be commended. This benefit is afforded **significant** weight.

Woodland Management

- 9.61 The applicant has provided a woodland management plan which provides details of the enhancements and management of the woodland surrounding the site for a 20-year period. This include native species tree planting to create a mosaic of ages of trees, native shrub planting, monitoring of the veteran and mature trees on an annual basis, and creation of wood pasture. The details of the management and maintenance of the woodland has been detailed in the woodland management plan, which is to be updated to take account of comments raised by the Tree Officer, and secured by condition 16. This benefit is afforded **moderate** weight.

Housing

- 9.62 At the time of writing, the Council is unable to demonstrate a 5 year housing land supply. The proposal would only deliver one unit and therefore the housing benefit is limited and therefore the weight afforded to this additional housing resulting from the proposal is also **limited**.

Conclusion on Very Special Circumstances

- 9.63 As highlighted above the weight attributed to the innovative and exception design is **substantial**. Also on this side of the balance is the **significant** weight to sustainable design and construction, the **moderate** weight to retention and restoration of a non-designated heritage asset, the **moderate** weight to woodland management and the **limited** benefit to housing need. As such, when considering these matters cumulatively, the weight to be applied to the benefits of the scheme would more than outweigh the harm to the Green Belt such that Very Special Circumstances exist in this case to justify the harm to the Green Belt as a result of the proposal.

x. Other Material Considerations

Housing Land Supply

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

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

- 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.*

- 9.65 Footnote 7 of the NPPF (2019) clarifies that:

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

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

- 9.67 At the time of writing, the Council is unable to demonstrate 5 years of housing land supply. Therefore, for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).
- 9.68 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 **habitats sites and/or land designated as Green Belt**. For the reasons set out above there is no clear reason for refusing the proposed development on this basis. 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. PLANNING BALANCE AND CONCLUSION

- 10.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out above it is considered whilst the proposed development falls within the Green Belt, Very Special Circumstances has been found to exist and as such, there is no clear reason for refusing the proposed development on this basis. The proposal complies with the development plan in all other respects.
- 10.2 As such, and for the reasons set out above, the proposed development is considered acceptable and planning permission is recommended subject conditions.

11. APPENDICES TO THIS REPORT

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

12. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until a schedule of the materials to be used on the external surfaces of the development has 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 site and the area in general and to ensure the character and appearance of the non-designated heritage asset is preserved. Relevant Policy DG1 and NPPF Section 16
- 3 No development above slab level shall take place until a schedule of the finishing materials to be used within any hard-surfacing of the grounds has 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 site and the area in general and to ensure the character and appearance of the non-designated heritage asset is preserved. Relevant Policy DG1 and NPPF Section 16
- 4 No works or development shall take place until a schedule of works, method statement and management plan for the restoration, consolidation and maintenance of the ruins has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the areas of linkages between the ruins and new dwelling. The development shall be carried out and maintained in accordance with the approved details.
Reason: To preserve the historic significance and long-term protection and restoration of the non-designated heritage asset. NPPF Section 16
- 5 Prior to occupation of the dwellinghouse hereby permitted, a management plan for the maintenance of the grounds of the new dwelling and restoration re-building of all garden structures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter any works within the grounds of the new dwellinghouse shall accord with these approved details.

Reason: In the interests of the visual amenities of the site and the area in general and to ensure the character and appearance of the non-designated heritage asset and its setting is preserved and enhanced. Relevant Policy DG1 and NPPF Section 16

6 No works or development shall take place until a structural report and plans (at scale 1:10 or as appropriate) detailing the original footings/structure of the mansion house, and the location and design of new footings and positions of new underground services, within the permitted dwellinghouse has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the site and the area in general and to ensure the character and appearance of the non-designated heritage asset is preserved. Relevant Policy DG1 and NPPF Section 16

7 No works or development shall take place until plans (at scale 1:5, 1:10 or as appropriate) and details of the design features of the dwellinghouse hereby permitted including, windows and glazing, external doors, parapets, balustrades, fenestrations, pergola, hand rails and internal covered courtyard walkway, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details.

Reason: The submitted drawings are inadequate in these respects and in the interests of the visual amenities of the site and the area in general and to ensure the character and appearance of the non-designated heritage asset is preserved. Relevant Policy DG1 and NPPF Section 16

8 A) No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
7. Details of salvage, storage and re-use of materials from site

B) The Development shall take place in accordance with the Written Scheme of Investigation approved under condition (A). The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Medieval remains. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with national and local plan policy.

9 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.

Reason: To ensure that the parking facilities are as shown on the approved plans and do not impact on trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

10 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

Reason: To ensure that the cycle parking is located sensitively within the site to avoid conflict with trees. Relevant Policies - DG1, N6.

11 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.

Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.

12 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of

the development and retained thereafter in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.

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

- 14 Prior to the commencement of development or other operations on site, an arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

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

- 15 Prior to the commencement of development or other operations on site, details of all services/utilities and drainage shall be submitted to and approved in writing by the Local Planning Authority. This includes the alignment, depth and type, and these works shall be carried out as approved and retained thereafter in accordance with the approved details.

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

- 16 Prior to commencement of the development, an updated Woodland Management Plan (incorporating the recommendations for biodiversity enhancements and management provided in ecological appraisal, BSG 2020 and woodland and biodiversity management plan, U&H, 2020)shall be submitted and approved in writing by the council. The approved Woodland Management Plan shall thereafter be implemented as agreed.

Reason: To ensure long-term protection and enhancement of the woodland in accordance with paragraph 175 of the NPPF.

- 17 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

a) Risk assessment of potentially damaging construction activities.

b) Identification of "biodiversity protection zones".

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, in particular to nearby Local Wildlife Sites, woodland, GCN, reptiles, hedgehogs, badgers and invertebrates (this may be provided as a set of method statements).

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- Reason: To minimise impacts on biodiversity in accordance with Paragraphs 170 and 175 of the NPPF.
- 18 Prior to commencement of the development, a report detailing any new a scheme detailing the lighting and how this will not adversely impact upon wildlife shall be submitted to and approved in writing by the LPA. The report shall include the following figures and appendices:
- A layout plan with beam orientation
 - A schedule of equipment
 - Measures to avoid glare
 - An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of importance for commuting and foraging bats.
- The approved lighting plan shall thereafter be implemented as agreed.
- Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with para 180 of the NPPF.
- 19 The development shall not commence until a licence for development works affecting bats has been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy has been submitted to the council. Thereafter mitigations measures approved in the licence shall be maintained in accordance with the approved details. Should the applicant conclude that a licence for development works affecting bats is not required, the applicant is to submit a report to the council detailing the reasons for this assessment, and this report is to be approved in writing by the council prior to the commencement of works.
- Reason: The structures host roosting bats which may be affected by the proposals. This condition will ensure that bats, a material consideration, are not adversely affected by the development.
- 20 Prior to commencement of the development, a Biodiversity Enhancement Scheme (incorporating the recommendations for biodiversity enhancements and management provided in ecological appraisal, BSG 2020 and woodland and biodiversity management plan, U&H, 2020)shall be submitted and approved in writing by the council. The Approved Biodiversity Enhancement Scheme shall thereafter be implemented as agreed.
- Reason: To incorporate biodiversity improvements in and around developments in accordance with paragraph 175 of the NPPF.
- 21 No development above Ground Finish Floor Level of the development hereby permitted shall take place until full details of measures to incorporate sustainable design and construction measures for the development shall be submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be undertaken in accordance with the approved details.
- Reason: To ensure the development is carried out in line with the aims of the application in incorporating high levels of sustainable design and energy efficiency. NPPF section 14
- 22 Prior to occupation of the dwellinghouse hereby permitted, a residential curtilage plan shall be to submitted and approved by the Local Planning Authority. Thereafter the works shall accord with these approved details.
- Reason: The site is in the Green Belt and there is a need to control future development within the grounds of the new dwelling, Relevant Policies - Local Plan GB1, GB2
- 23 Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwellinghouse the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.
- Reason: The site is in the Green Belt and planning permission is granted in only in light of Very Special Circumstances and changes to the scale and design of the dwelling would undermine this. Relevant Policies - Local Plan GB1, GB2 and DG1.
- 24 The surface water drainage system shall be implemented and maintained in accordance with the submitted details.
- Reason: To ensure compliance with National Planning Practice Guidance 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.
- 25 Prior to commencement of any works or development in connection with the PV panels, details of their siting, design and construction 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: In the interests of the visual amenities of the site and the area in general and to ensure protection of trees. Relevant Policy DG1 and N6

26 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 Due to the close proximity of the site to existing residential properties, the applicant's attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicle parking at the site or making deliveries, and general disruption caused by the works. By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk
- 2 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

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Appendix A
Location Plan

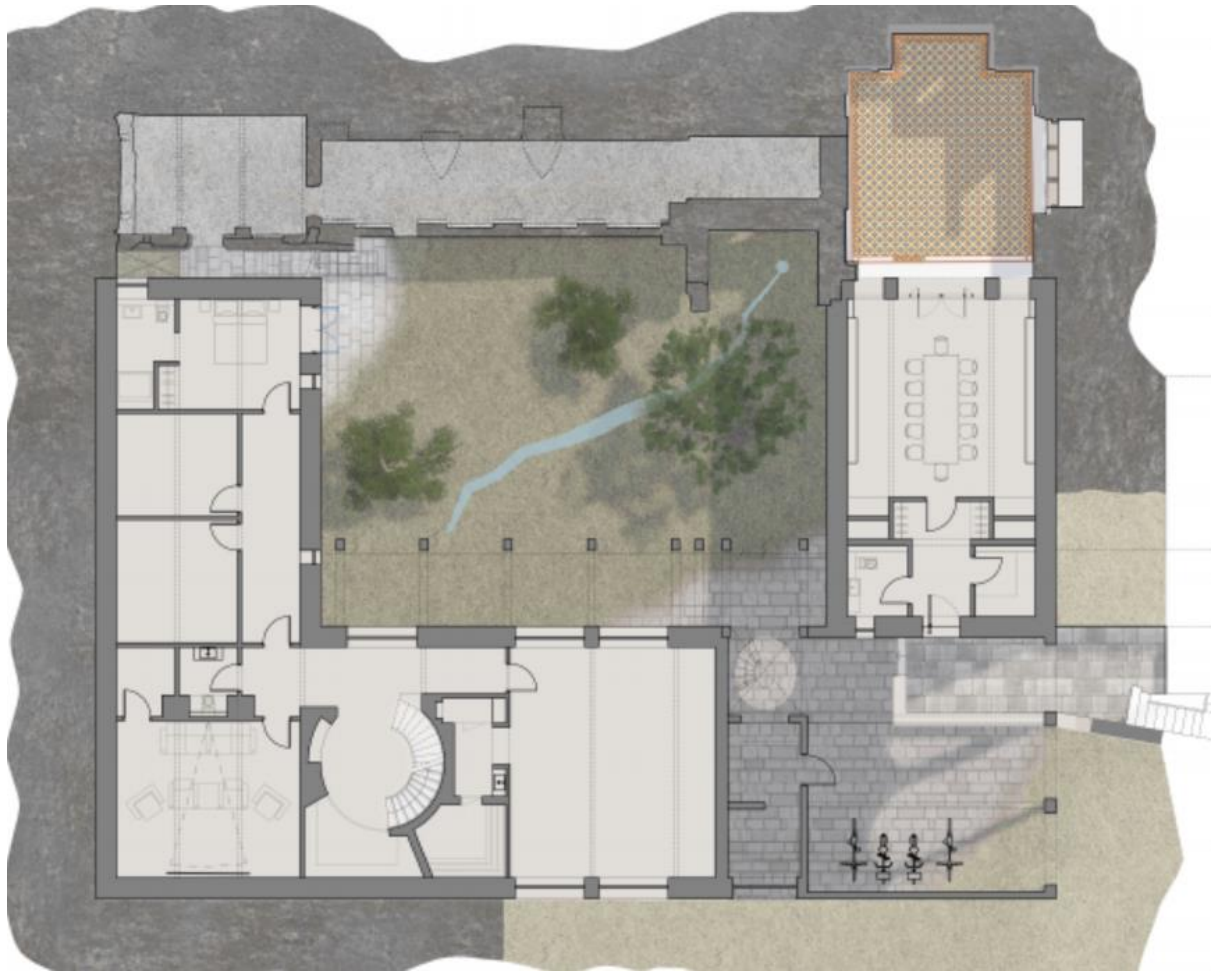


Site layout



Appendix B

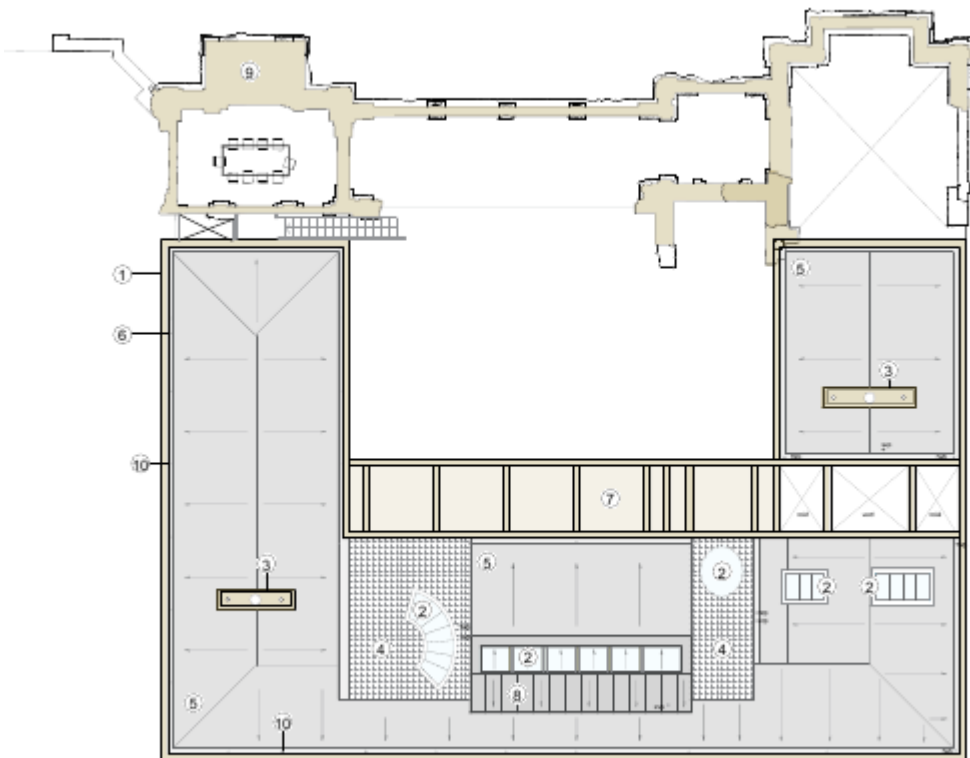
Lower Ground Floor



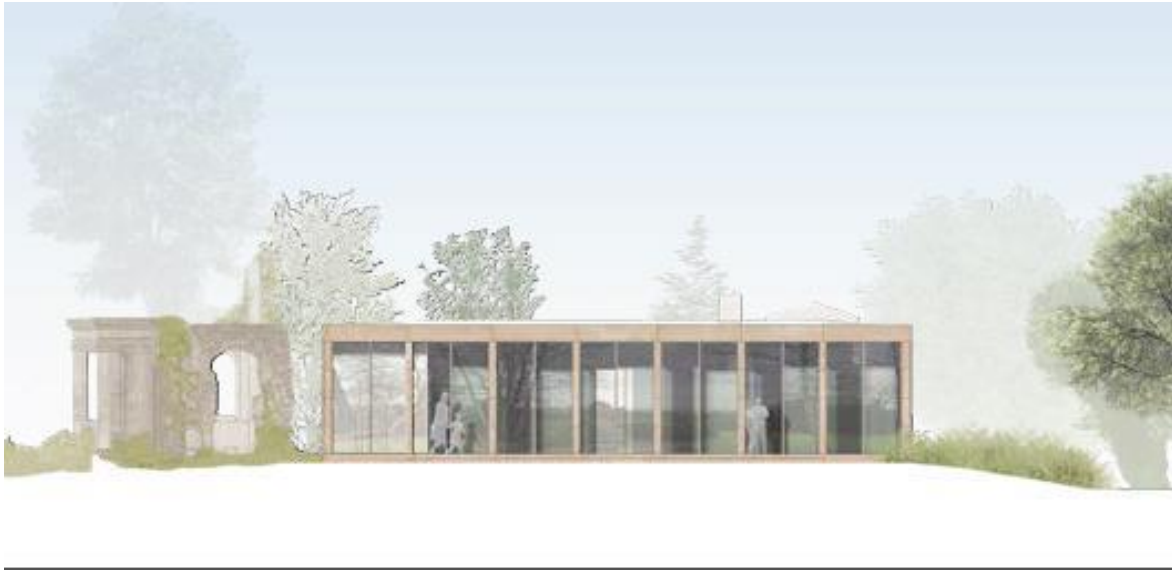
Upper Ground Floor



Roof Plan



East Elevation



North Elevation



South Elevation



West Elevation



Agenda Item 5

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

17 February 2021

Item: 2

Application No.:	20/02689/FULL
Location:	Land West of Main Farm Buildings Lower Mount Farm Long Lane Cookham Maidenhead
Proposal:	New sports pavilion building with associated parking.
Applicant:	Duncan Gibson
Agent:	Mr Duncan Gibson
Parish/Ward:	Cookham Parish/Bisham And Cookham
If you have a question about this report, please contact: Haydon Richardson on 01628 796697 or at haydon.richardson@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application seeks planning permission for a sports pavilion and parking.
- 1.2 The site and adjoining land has been granted planning permission for sports pitches, parking and alteration of land levels (12/02188/FULL, 14/01398/FULL). In line with those permissions the land has been levelled, a gravel parking area has been created, drainage has been added and top soil has been treated. These previous permissions have therefore been implemented and the land is now in a suitable condition to be used for sport.
- 1.3 The proposed development is to be used in association with the lawful sports pitches. The works are considered to be to be appropriate development in the Green Belt, which would not cause any significant harm to the local highway network, neighbouring amenities, the site's ecological value or the area's character or appearance.
- 1.4 The modern club house would complement the new pitches and the development would encourage the uptake in outdoor sports and general improvements in health and well-being for its users. It would also provide a new home to Cookham Dean Football Club who have evidenced a need for such a facility.
- 1.5 Subject to conditions and for the reasons mentioned above the proposed development is considered to be in compliance with relevant Local Plan policy, the NPPF and other relevant material considerations.

It is recommended the Panel grants planning permission with the conditions listed in Section 12 of this report.

2. REASON FOR PANEL DETERMINATION

- The application has been called in by Cllr Brar, irrespective of the officer's recommendation, over concerns that the development could have potential adverse impacts on the Green Belt and the local highway network.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The development site is located to the west of Lower Mount Farm, on the north side of Long Lane, Cookham. It is approximately 0.95ha in area and comprises trees, grass and gravel. The field to the north of the site has recently been levelled to enable its lawful use as sports pitches and measures approximately 4.45ha. The eastern, western, and southern boundaries of the site are heavily lined with trees and greenery. The site's northern boundary also has soft landscaping

but to a lesser extent. A public footpath runs along the rear of the sports pitches. This path connects Lesters Road to Long Lane.

- 3.2 To the east of the site is Lower Mount Farm, several chalet properties and Lower Mount Cottages. The remaining land surrounding the site consists of the land levelled for sports pitches and agricultural land.

4. KEY CONSTRAINTS

- 4.1 The development site is located within the Green Belt.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application seeks planning permission for a new sports pavilion building with associated parking.
- 5.2 The works mentioned below have been carried out. The proposed development is to be used in association with those works.

Reference	Description	Decision
12/02188/FULL	Change of use of land from agriculture to sport pitches and ancillary car parking	Approved - 26.11.2012
14/01398/FULL	Alteration of ground levels to facilitate the formation of sports pitches with associated car parking (Amended Description).	Approved - 02.10.2014
16/00293/CONDIT	Details required by condition 3 (access and parking) 4 (construction management plan) 5 (highway condition survey) 7 (fencing for car parking) of planning permission 14/01398 for the alteration of ground levels to facilitate the formation of sports pitches with associated car parking (Amended Description).	Approved - 03.03.2016

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5
Trees	N6
Green Belt	GB1, GB2

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making
 Section 8 – Promoting healthy and safe communities
 Section 9- Promoting Sustainable Transport

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4
Green Belt	SP5
Trees, Woodlands and Hedgerows	NR2

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Sustainable Transport	IF2
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4
Green Belt	QP5
Trees, Woodlands and Hedgerows	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. Public consultation ran from 1 November to 15 December 2019. All representations received have been reviewed by the Council and the Proposed Changes have been submitted to the Inspector. The Examination of the BLPSV has now resumed and hearings were held at the end of 2020. 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://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

Other Local Strategies or Publications

- 7.4 Other Strategies or publications material to the proposal are:
- RBWM Townscape Assessment
 - RBWM Parking Strategy

More information on these documents can be found at:
<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 8.1 4 occupiers were notified directly of the application.
- 8.2 The application was advertised in the Local Press on **23.10.2020**.
- 8.3 21 letters were received supporting the application, those letters have been summarised below:

Comment		Where in the report this is considered
1.	The facility would encourage people to take part in sport and outdoor activities which are important to maintaining and improving mental health and general well being	See paragraphs 9.45 to 9.47
2.	The facility would allow people to watch and take part in sport - it is therefore beneficial to the community	
3.	CDFC is an asset to the community, generations of local people have played for or worked with the Club. The existing site is no longer viable due to the growth and success of the club. The application should therefore be supported	See paragraphs 9.5 to 9.17
4.	The playing surface would be an improvement on the existing Alfred Major ground, allowing for better football.	
5.	The existing home ground of CDFC (Alfred Major) has inadequate parking, however parking would not be an issue at this site.	See paragraphs 9.30 to 9.39
6.	The site is located outside of the village centre and would therefore not worsen parking conditions in or surrounding that area.	

14 letters were received objecting to the application, those letters have been summarised below:

Comment		Where in the report this is considered
1.	The proposed development would lead to traffic build up, congestion and a more hazardous highways environment.	See paragraphs 9.30 to 9.39
2.	Unrestricted use of the site could lead to disturbing levels of light pollution. Flood lights for pitches, lighting for buildings and car parking are all cause for concern at night	Conditions have been added to restrict lighting at the site and the times that the building can be used.
3.	Cheering, clapping, booing outside of day time hours could have a harmful noise impact on existing local residents	The sports pitches have already been granted planning permission. All impacts associated with their use have therefore already been considered under those applications and cannot be controlled by this application.
4.	The club could be hired out for parties and other commercial uses	A condition has been recommended restricting the building solely to D2 use associated with outdoor sports.
5.	The building should not be given an alcohol licence and it along with the sports pitches should not be open beyond 8pm to protect neighbouring amenities	Licensing is not a planning issue.

6.	The building is inappropriate development in the Green Belt, its size is not justified and there is no need for its bar/restaurant area.	See paragraphs 9.2 to 9.17
7.	The building is out of keeping with the character and appearance of other buildings in the area	See paragraphs 9.18 to 9.23
8.	Pitches should be used for multiple sports, including cricket and rugby. The proposed layout will restrict the site to football use.	Planning permission has previously been granted for the sports pitches and it is therefore not a matter to be considered under this application.
9.	There is no need for 3 football pitches on the development site.	

Consultees

Consultee	Comment	Where in the report this is considered
Highways Officer	<p>The site has been the subject of several re-development proposals, the most notable being the change of use of the land from agricultural to sport pitches with ancillary car parking, granted in November 2012 [<i>Application 12/02188/FULL</i>]. A subsequent application to adjust the site levels to create a level playing surface [<i>Application 14/01398/FULL</i>] was also approved by the Local Planning Authority.</p> <p>This application seeks planning permission for a single storey sports pavilion building with associated car parking to be used by Cookham Dean Football Club.</p> <p>With reference to a previous highway comment dated 24th October 2012 [<i>Application number 12/02188/FULL</i>], the use of the land for this type of recreational purpose raises no highway concerns.</p> <p>The development will be served by the existing access off Long Lane, plus the traffic generated by the development is unlikely to have an adverse impact on highway operation and safety in the surrounding area.</p> <p>For the reasons given above, we have no objection to the proposal, subject to the inclusion of a condition which ensures that the proposed parking and turning areas are provided and retained.</p>	Each comment and response has been noted and addressed in section 9 of the report. The recommended conditions (deemed relevant and necessary) have been added.
Ecology Officer	No objection subject to conditions relating to lighting, biodiversity enhancement and the submission of construction environmental management plan.	
Environmental Protection Officer	No objection subject to informative(s) and conditions regarding lighting and limiting light emissions.	
Tree Officer	No objection subject to conditions requiring a tree protection plan, retention of tree belts and the submission of service run details prior to construction of the building.	

Others

Group	Comment	Where in the report this is considered
Parish Council	<p>No objection provided that :</p> <p>a. The same conditions are imposed as for the application 12/02188/FULL in 2012 - Change of use of land from agriculture to sport pitches and ancillary car parking.</p> <p>b. There is examination of the road layout to ensure it is capable of carrying the traffic that will be generated</p> <p>c. Restriction is placed on use of the pavilion building to be for sports purposes only.</p>	<p>Each comment and response has been noted and addressed in section 9 of the report. The recommended conditions (deemed relevant and necessary) have been added.</p>
Cookham Society	<p>Provision has been made for car parking but there is no provision for safe pedestrian or cyclist access. This is a serious omission as a significant number of children are likely to use the facility. We believe that it is essential that proper, safe pedestrian and cyclist access is put in place prior to commencement of use of the pavilion.</p> <p>Use of this site as sports pitches was approved under application 12/02188. For the protection of the amenity of residents, this approval contained important provisions limiting hours of use, scheduling of matches, lighting, and noise. We ask that if approval of this application is given that these conditions are restated in their entirety.</p> <p>Conditions and legal measures should be put in place to ensure the building is not converted and the site is only used for its intended purpose (outdoor sports).</p>	<p>There is a public footpath to the north of the site which will allow some access to the site for pedestrians and cyclists. Additionally, a small wooden gate exists next to the sites vehicular access from Long Lane. It provides independent access for those on foot or bike.</p> <p>Furthermore, sports pitches have already been granted planning permission at the site. Those pitches could be walked to or cycled to without a new dedicated path or access. A new pedestrian and cyclist access is therefore considered to be unnecessary.</p> <p>Conditions are already in place on approved application No. 12/02188/FULL, restricting the times and intensity of pitch use. Those conditions were placed on the application to protect</p>

		neighbouring amenities and complementary conditions have been recommended for this application, if approved.
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9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Green Belt
- ii Impact on the character and appearance of the area
- iii Impact on the amenity of nearby occupiers
- iv Impact on Highway safety and parking provision
- v Impact on ecology
- vi Other considerations

Green Belt

9.2 Policy GB1 and GB2 of the Local Plan set out appropriate and acceptable forms of development in the Green Belt. The policies state that other forms of development, not considered as appropriate, will only be acceptable in very special circumstances. Policy GB1 states that approval will be given for 'essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it'.

9.3 The NPPF (2019) provides similar but more up to date planning guidance, as the most recent expression of government intent on assessing the acceptability of development in the Green Belt, and has therefore been given greater weight as a material consideration in this assessment.

9.4 Paragraph 145 of the NPPF (2019) sets out the exceptions to inappropriate development in the Green Belt. One of the exceptions is 'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'.

Appropriate Facility:

9.5 In 2012 planning permission was granted to change the use of the land from agriculture to sports pitches with parking (12/02188/FULL). Planning permission was then granted to level the land so that the pitches and parking area could be created (14/01398/FULL). The conditions relating to that permission were discharged and the land has been levelled and resurfaced, drainage has been installed and top soil treated in order to create sports pitches. Gravel has been laid near the sites entrance outlining the parking areas approved under the extant permissions. Taking into consideration the foregoing, it is considered that the agricultural use of the site as a whole has ceased and that the land to the north of the proposed pavilion can now lawfully be referred to as sports pitches. It is therefore considered reasonable and appropriate for a building to be erected and used in association with these pitches.

9.6 The proposed building would be approximately 4.8m high, 47m wide, and 18m deep (extending to 23m when including its roof overhang). Its footprint would be in the region of 846m². The building would be single storey and finished in heritage green metal cladding.

9.7 The table below sets out each component of the building and whether it is appropriate or not for outdoor sports and recreation:

Component	Rationale	Appropriate or Not Appropriate
4 changing rooms	This would allow for 2 matches two take place at the same time, as 4 teams could prepare at once. This is consistent with the CDFC needs as they have teams at various age groups. The changing rooms would allow for 2 age groups to play at once against 2 opponents. The size of the changing rooms meets the minimum criteria set out by Sports England.	Appropriate
2 referee changing rooms,	This would allow for two sets of match officials to get changed. They could then officiate two matches. Alternatively 1 official may use each room to get changed in private.	Appropriate.
First aid room	This would allow for injuries to be treated in a private, safe and spacious environment. Injury related equipment could also be stored in such a space.	Appropriate
Store	This would allow for goal posts, land maintenance equipment and other sports gear to be safely stored.	Appropriate
Male and female toilets	This would allow for users of the sports pitches, visitors and staff to have access to toilet facilities.	Appropriate
Plant room	Necessary to store equipment associated with the functioning of the building.	Appropriate
Office	This would allow for admin duties to take place associated with the club.	Appropriate
Kitchen	This would allow for staff to prepare food for those participating in sport throughout the day.	Appropriate
Club bar area with associated storage	This would allow for the provision/sale of food and drink for those using the sports facilities. It would provide a sheltered area for the consumption and the viewing of sports. The provision of such a space is not uncommon in sports club houses. The submitted design and access statement also outlines how small levels of	Appropriate

	<p>revenue would be generated, which would be used to support the club. The size of this area is considered to be commensurate with the overall use of the site.</p>	
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- 9.8 All of the clubhouse components mentioned above are considered to be appropriate for modern club house use as set out in the ‘Clubhouse Design Guidance Notes’ published by Sports England (2016). Furthermore, each component of the building would meet the minimum space standards set out in the guidance.
- 9.9 The applicant has outlined that Cookham Dean Football Club (CDFC) currently operate from the Alfred Major Recreation Ground and have done so since 1937. The existing club house is old and in poor condition, thus there is a need for a new building. Furthermore CDFC has numerous teams (First Team, Reserves Teams, Under 16’s, Under 13’s, Under 11’s, Under 10’s, Under 9’s and Under 8’s) playing at various grass roots football levels. There is inadequate space for all of the existing teams at the site. Additionally the club is keen to expand, creating a girls football team and veteran’s team. The facility can therefore provide much needed space to accommodate all of the clubs teams. The applicant has also suggested that the quality of the Alfred Major football pitches are poor and hard to maintain because they are shared with the public and often used for other activities. The land north of the proposed building has recently been resurfaced and is in private ownership, it would therefore provide better quality pitches and land that is easier to maintain by CDFC. The proposed club house, in association with the pitches, would therefore allow for CDFC to have better quality sports facilities.
- 9.10 The building is single storey in height, correlating with its use and function.
- 9.11 Taking into consideration all of the above, the proposed sports pavilion is considered to be an appropriate facility, associated with and necessary to the site’s outdoor sports use and the needs of CDFC.

Preserving Openness:

- 9.12 Turning to impact on the openness of the Green Belt, the development would undoubtedly have an impact. However the building would be surrounded by trees and greenery on all of its boundaries, thus limiting its impact on views from Long Lane and surrounding sites. The applicant intends to retain all of the site’s existing boundary treatments, conditions have been recommended to ensure that they remain and are protected (condition 12). Larger and smaller detached buildings exist within the neighbouring site (Lower mount Farm) and surrounding area and the pavilion would therefore not be out of scale, size, or character in this rural location. The building is single storey in height reducing its visual impact on openness. Furthermore, a large proportion of it is a roof canopy and is therefore empty underneath significantly reducing its bulk and impact on openness. The building would be finished in green metal cladding to ensure it integrates with the area’s rural appearance. Trees and other soft landscaping are also proposed within the site and these would aid in limiting the building’s visual impact. A condition has been recommended to ensure this is the case and that the landscaping is appropriate and suitable for this rural setting (condition 11).
- 9.13 A building of this nature is common in association with sports pitches and the approved plans for application No. 12/02188/FULL show the outline of a clubhouse building in association with the sports pitches, indicating an intention to provide this facility.
- 9.14 The test of whether the proposed development would preserve openness cannot be a total bar on new buildings, otherwise that would defeat the purpose of the exception. In light of this, it is considered that, when assessed in the context of the lawful use of the site and the analysis of the component parts of the building and its surroundings detailed above, the proposed building would preserve the openness of the Green Belt.

- 9.15 An informal parking area already exists at the site, due to the implementation of previous permissions, however in this application they are marked out and include turning areas, internal roads, coach parking, electrical car parking spaces, and bin storage areas. The proposed marking out or resurfacing works are considered to be engineering operations and are appropriate development under paragraph 146 of the NPPF (2019).
- 9.16 It should also be noted that the proposal would not conflict with the purposes of the Green Belt, specifically it would not lead to the unrestricted sprawl of large built-up areas, lead to neighbouring towns merging into one another, lead to encroachment in the countryside, harm the setting and special character of historic towns, nor adversely impact on urban regeneration.
- 9.17 The proposed development is therefore considered to be appropriate development in the Green Belt.

Impact on the character and appearance of the area

- 9.18 Policy DG1 states that the Borough Council will have regard to the following guidelines, inter alia, when assessing new development proposals: 3) The design of new buildings should be compatible with the established street façade having regard to the scale, height and building lines of adjacent properties, special attention should be given to the ‘roof-scape’ of buildings, illustrations showing the relationship between new and old will be required at the application stage; 11) Harm should not be caused to the character of the surrounding area through development which is cramped, or which results in the loss of important features which contribute to that character. The Boroughs Conservation Officer has no objection to the proposed development. Additionally, Local Plan Policy N6 seeks to protect trees which are important to the character and appearance of an area.
- 9.19 Paragraph 127 of the NPPF (2019) seeks to achieve development which would be visually attractive as a result of good architecture, layout and landscaping, whilst adding to the overall quality of the area by sympathetically integrating into its proposed location.
- 9.20 The proposed development involves the provision of a sports pavilion and ancillary parking. The proposed building would be approximately 4.8m high, 47m wide, and 18m deep (extending to 23m when including its roof overhang). Its footprint would be in the region of 846m². The building would be single storey and finished in heritage green metal cladding. It would have dual pitched roof with sheltered canopy area.
- 9.21 The proposed building would be set back from the entrance of the site and located behind the existing hedging and trees which line its boundaries. Its visual impact on Long Lane and other public vantage points would therefore be limited. Although the building would exist in isolation on the site it would be seen in the context of a mix of detached buildings of varying designs and size within the neighbouring site (Lower mount Farm). The pavilion would therefore not be out of scale, size, or character with other buildings in this rural location. Despite its modern design, the building would be single storey in height and would be finished in green metal cladding to ensure it is not excessively prominent and integrates with the areas rural appearance. Trees and other soft landscaping are also proposed within the site, these would aid in integrating the building into its environment whilst also obscuring it from wider views.
- 9.22 An Informal car parking area already exists at the site due to the implementation of previous permissions. This development would see the same area marked out and resurfaced to create parking space for cars and coaches, turning areas, internal roads and bin storage. The works are unlikely to cause any harm to the areas appearance. To ensure this is the case conditions are recommended requiring further details on the proposed hard and soft landscaping (condition 11).
- 9.23 For the reasons mentioned above, the proposal is likely to integrate well with the existing environment and it is not considered to cause harm to the character and appearance of the area. The development is therefore considered to be acceptable and in line with policies DG1 and N6 of the Local Plan as well relevant guidance within the NPPF.

Impact on Neighbouring Amenity

- 9.24 Local Plan Policy NAP3 seeks to resist development which would generate unacceptable levels of noise, air and odour pollution.
- 9.25 Paragraph 127 of the NPPF suggests that development should provide a good standard of amenity for all existing and future users.
- 9.26 Future users of the development would be provided with a modern club house, which includes changing rooms, toilets, stores, social space, adequate parking and other facilities associated with the sites outdoor sports use.
- 9.27 Due to its height, screening by substantial boundary treatments surrounding the site and significant separation distance from properties, the proposed development would not cause any loss of views, privacy, or light which might otherwise adversely impact on the amenities of any neighbouring properties.
- 9.28 It should also be noted that a large parking area and sports pitches have already been granted planning permission at the site. Therefore noise associated with use of the pitches and parking area such as crowds and increased vehicle movements could happen at the site notwithstanding this planning application. Conditions are recommended for inclusion on the application to limit the use of the building, its hours of use, lighting, and the use of audio projection equipment (conditions 5, 4, 6 and 3 respectively). Subject to these conditions the development is not considered to cause any disruptive levels of noise or sound.
- 9.29 For the reasons mentioned above the proposal is considered to have an acceptable impact on the amenities of the occupants of properties in the vicinity of the site.

Highway consideration and parking provision

- 9.30 Paragraph 109 of the NPPF (2019) states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 9.31 Policy T5 requires all development proposals to comply with adopted highway design standards (HDS). The policy notes advise that the purpose of the HDS is to ensure that new development does not place an undue burden or create problems of congestion on the highway network. Policy P4 requires all development proposals to accord with adopted car parking standards.
- 9.32 Firstly it should be noted that planning permission has already been granted for the proposed pitches and parking area (12/02188/FULL). In that assessment it was considered that in the worst case scenario, 83 vehicle parking spaces would be required for the proposed sports pitches consisting of 1 rugby pitch, 2 football pitches, 1 cricket square. This was in the event that all of the pitches were used at the same time.
- 9.33 87 car parking spaces, 2 coach parking spaces and 16 cycle stands are proposed as part of this development, for 3 football pitches shown on the indicative plans and the pavilion. It is therefore considered that in the worst case scenario mentioned above, adequate parking would be provided for the proposed development. The 4 surplus spaces could be used by staff members of the pavilion. Conditions are recommended to ensure that all parking and turning areas shown on the approved plans are provided (condition 9).
- 9.34 It should also be noted that the worst case scenario is unlikely to occur as conditions have been placed on application no. 12/02188/FULL, limiting the amount of games that can be played each day on the pitches and the timing of those games. Conditions are also in place to stagger matches by at least 1 hour, this will mean that everyone is not arriving or leaving at once and that ample parking space will remain at the site at all times.
- 9.35 For the reasons mentioned above, it is considered that adequate parking would be provided for the proposed development.

- 9.36 The traffic generated by the building in association with the football pitches is likely to be similar to the traffic generated by use of the sports pitches alone, which has already been approved. The development is therefore unlikely to result in any harmful increase in vehicle movements when compared with the sites approved use.
- 9.37 The development includes no changes to the sites access from Long Lane.
- 9.38 The borough's highways department have no objection to the proposed development.
- 9.39 Overall, for the reasons mentioned above, it is considered that the proposed development would have no severe impact on the highways network.

Ecology considerations

- 9.40 Paragraph 170 of the NPPF advises that 'Planning policies and decisions should contribute to and enhance the natural and local environment
- 9.41 Paragraph 175 states that "opportunities to incorporate biodiversity in and around developments should be encouraged"
- 9.42 The development site is not within an area of ecological importance nor is it identified as a home to protected species. Notwithstanding the site is located near to acres of open fields, trees and hedging where fauna and flora species of value maybe effected.
- 9.43 The Boroughs Ecology Officer has no objection to the proposed development. However they have suggested that in order to ensure the protection of fauna and flora species inhabiting the area and to fulfil the requirements of planning guidance within paragraphs 170 and 175 of the NPPF (2019), conditions should be placed on the application. Conditions requiring the submission of a Construction Environmental Management Plan, Proposed Lighting details, and biodiversity enhancements have therefore been recommended for inclusion if the application is approved.
- 9.44 Subject to conditions the proposed development is therefore likely to have an acceptable ecological impact.

Other considerations

- 9.45 Paragraph 91(C) of the NPPF states that 'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling. Paragraph 92(a) states 'to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as...sports venues...) and other local services to enhance the sustainability of communities and residential environments'.
- 9.46 As identified in the report there is a need for this sports facility and its provision would encourage socialising, community bonding, outdoor sports uptake, and general improvements in health and well-being for its users. The development is therefore supported by this section of the NPPF.
- 9.47 It should also be noted that throughout the sites development history Sports England have supported the use of the site for Outdoor sports.

10. PLANNING BALANCE AND CONCLUSION

- 10.1 The proposed development would provide a sports pavilion in association with sports pitches and parking areas which benefit from extant planning permissions. The proposal is considered to constitute appropriate development in the Green Belt, which would not cause any harm to the

local highway network, neighbouring amenities, the site's ecological value or the area's character or appearance. On the contrary, the development would provide a modern club house to complement recently levelled and resurfaced sports pitches. The building would encourage socialising, community bonding, outdoor sports uptake, and general improvements in health and well-being for its users. It would also provide a new home to Cookham Dean Football Club who have evidenced a need for such a facility. The development is therefore considered to be in compliance with the Local Plan, the NPPF and other relevant material considerations. For these reasons the application is recommended for approval.

11. APPENDICES TO THIS REPORT

•	Appendix A - Site location plan
•	Appendix B – Proposed Site Layout
•	Appendix C – Proposed elevation plans
•	Appendix D – Proposed floorplans
•	Appendix E – Coloured Site layout plan

12. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Prior to the construction of the pavilion hereby approved, a schedule of all materials to be used on the external surfaces of the development 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: In the interests of the visual amenities of the area. Relevant Policy; Local Plan Policy DG1.
- 3 No public address system or any other form of sound amplification equipment shall be used on the land subject of this permission. Noise levels on all boundaries of the site shall not at any time as a result of this development exceed International Standards Organisation Noise Rating 45.
Reason: To protect the amenities of the area. Relevant Policy: Local Plan NAP3.
- 4 The building hereby permitted shall only be used between the hours of 0900 to 1900 Mondays to Saturdays and between the hours of 1000 to 1800 on Sundays or Bank or Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect the residential amenity of the area and to accord with the Local Plan Policy NAP3.
- 5 The sports pavilion hereby approved shall only be used for purposes incidental to and associated with the sites outdoor sports use, unless otherwise agreed in writing by the Local Planning Authority. Reason: Alternative uses of the building could cause harm to the amenities of the occupants of neighbouring properties. Local Plan NAP3 and paragraph 127 of the NPPF (2019).
- 6 No development shall commence until a report detailing the proposed lighting scheme (both external and internal), and how it will not adversely impact upon wildlife and neighbouring properties, has been submitted to and approved in writing by the LPA. Thereafter the lighting scheme shall be carried out and maintained in accordance with the approved details. The report shall include the following details:- A layout plan which includes the height, positions and design, of all proposed lights as well as their beam orientation - A schedule of equipment - Measures to avoid glare - An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of importance for commuting and foraging bats. - A plan for the minimisation of the effect of artificial light glare on nearby properties- Hours of light usage
Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with para 180 of the NPPF and to protect the residential amenities of the area by preventing intrusive and harmful lighting in accordance with Local Plan Policy NAP3 and paragraph 127 of the NPPF.

- 7 No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following: a) Risk assessment of potentially damaging construction activities. b) Identification of "biodiversity protection zones". c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
Reason: To minimise impacts on biodiversity in accordance with Paragraphs 170 and 175 of the NPPF.
- 8 Prior to the occupation of the development, details of biodiversity enhancements, to include bird and bat boxes, tiles or bricks on and around the new buildings and native and wildlife friendly landscaping, shall be submitted to and approved in writing by the council. The biodiversity enhancements shall thereafter be installed as approved.
Reason: To incorporate biodiversity in and around developments in accordance with paragraph 175 of the NPPF.
- 9 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
- 10 Prior to the construction of the pavilion hereby approved an Arboricultural Method Statement and Tree Protection Plan shall be submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement shall be written in accordance with the British Standard 5837:2012 Trees, in relation to design, demolition and construction - recommendations. Nothing shall be stored or placed in any fenced area (construction exclusion zone) in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation including trenching for the installation of services be made, without the prior written approval of the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details until completion of the development. Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 11 Notwithstanding any landscaping details shown on the plans hereby approved, prior to the construction of the Pavilion, full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter all hard and soft landscape works shall be carried out in accordance with the approved details within the first planting season following the completion of the development. The submitted details should include the following: Hard landscaping - a detailed hard landscape specification and supporting plan(s) to a recognised scale illustrating the proposed positions, dimensions, materials and finished levels of means of enclosures (e.g. embankments, fences, walls and gate piers); vehicular and pedestrian access; hard surfaces; existing and proposed overhead and underground utility services including associated structures (e.g. manhole covers, meters, access points, vertical supports); ditches, drains and other earthworks (e.g. land profiling, excavations/soil mounding). Where hard surfaces/structures/ground levels are to be altered within the root protection areas of retained on/off-site trees, scaled cross-section construction drawings and a supporting method statement will be required to support the hard landscape plan/specifications. B) Soft landscaping - These details shall include; A) a detailed soft landscaping plan to a recognised scale clearly illustrating the location of all trees/shrubs/hedges/plants to be planted and areas of turf to be laid; B) a detailed written soft landscape specification detailing the quantity, density, size, species, position and the proposed time or programme of the planting of all trees/shrubs/hedges/plants. C) Details of all existing trees to be retained. This specification shall include details of ground preparation/cultivation within and adjacent to root protection areas of retained on/off-site trees, and other operations

associated with, tree/shrub/ hedge/plant establishment. If within a period of five years from the date of the planting of any tree/shrub/hedge/plant shown on the approved plan(s), or any tree/shrub/hedge/plant in replacement for it is removed, uprooted, destroyed, dies, or becomes seriously damaged or defective, another tree/shrub/hedge/plant of the same species and size as that originally planted, shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation. Following completion of the hard landscaping works they shall be retained in accordance with the approved details.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1

- 12 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1

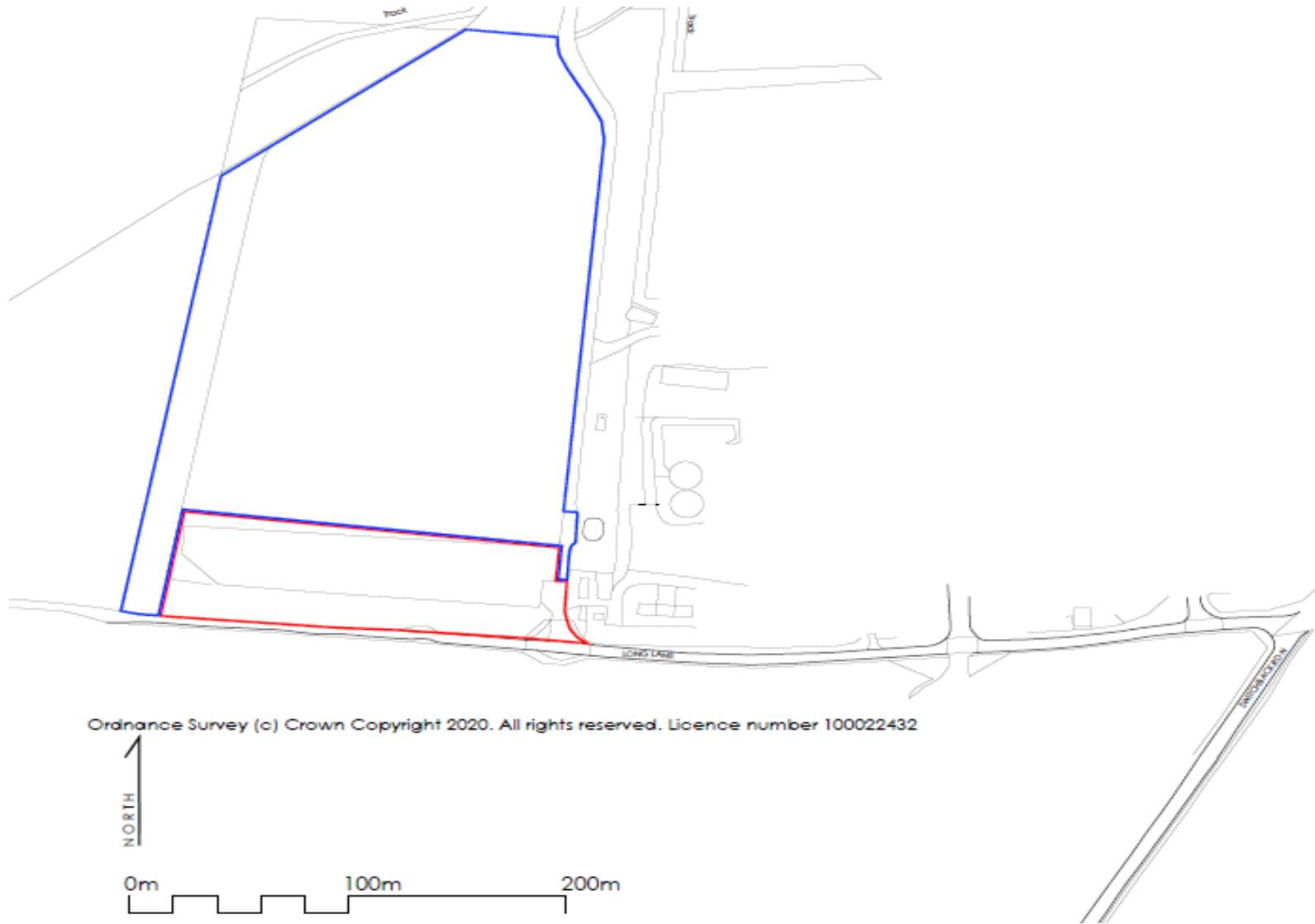
- 13 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

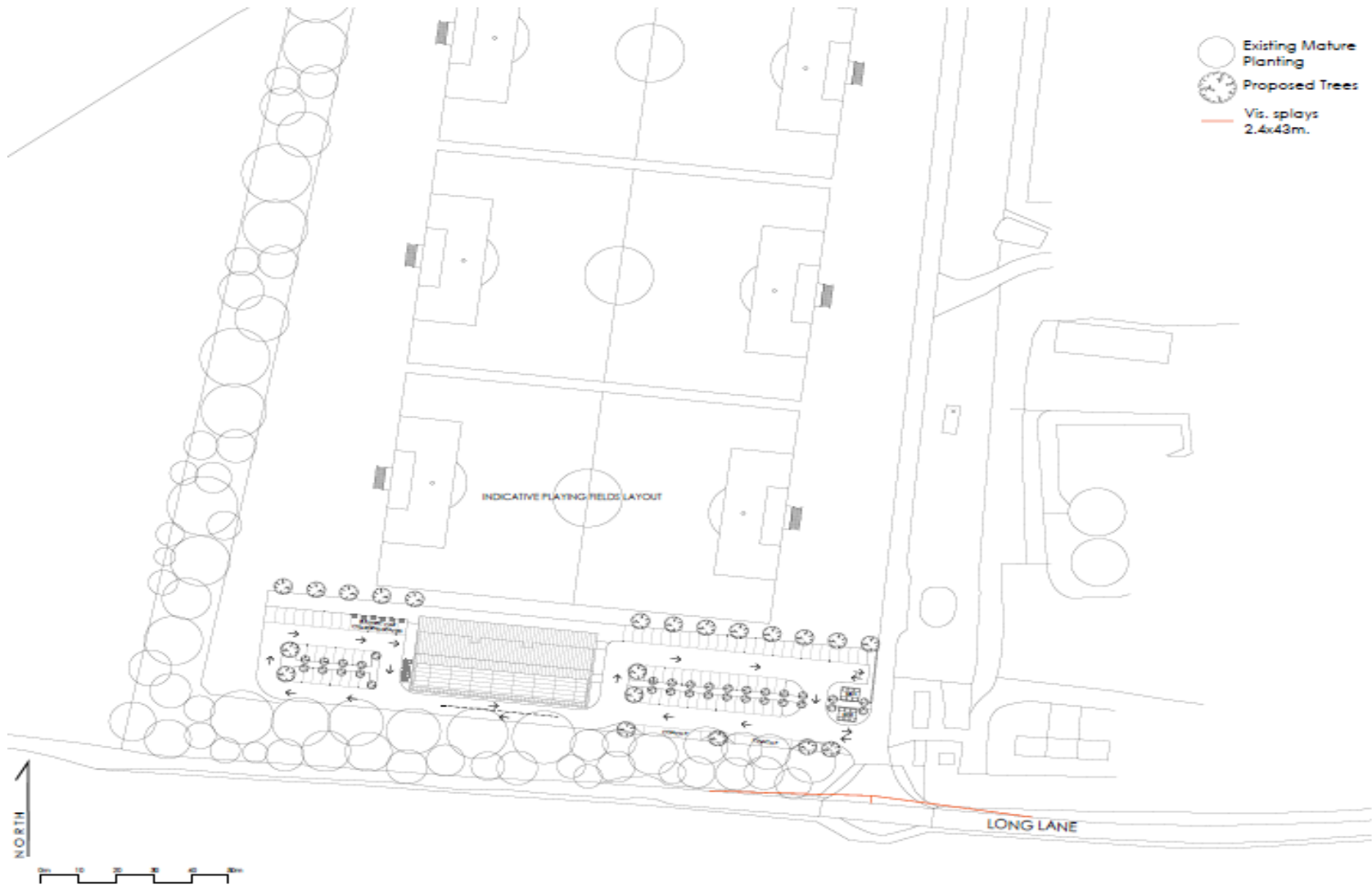
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Appendix A – Site Location Plan

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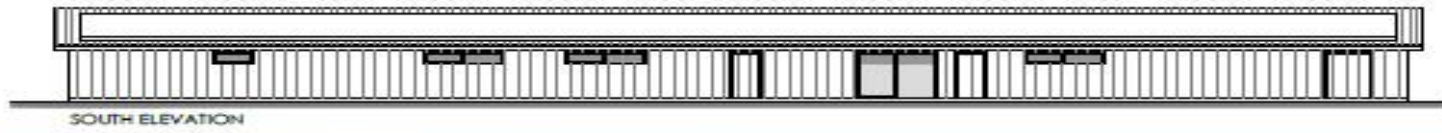
Appendix B – Proposed Site Plan



Appendix C – Proposed Elevation Plans

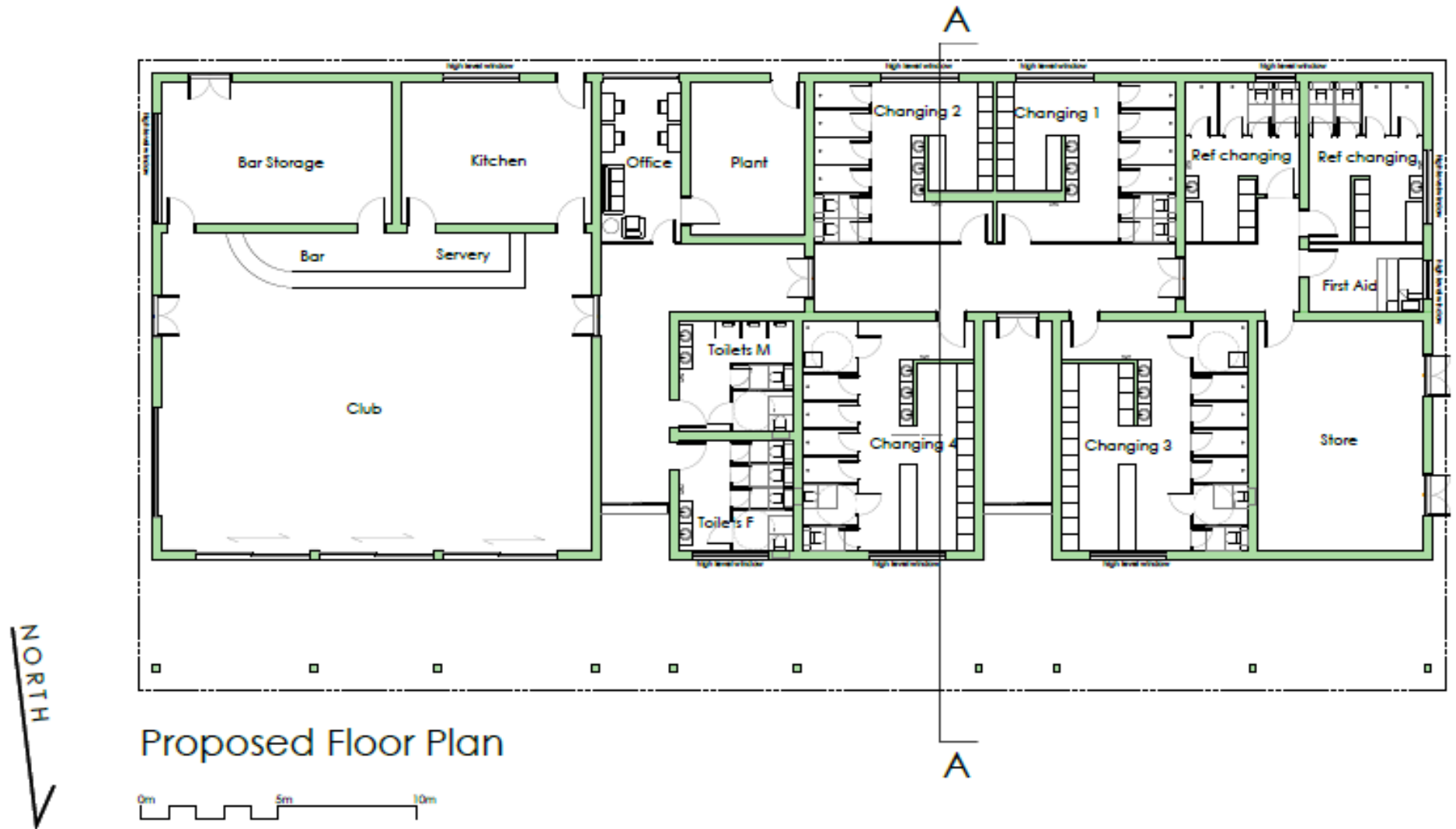


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Appendix D – Proposed Floor Plan

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Proposed Floor Plan

Appendix E – Coloured Site Plan



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Agenda Item 6

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

17 February 2021

Item: 3

Application No.:	20/03418/FULL
Location:	Land Adjacent To The Drawery Windsor Great Park Windsor
Proposal:	Change of use of land for construction of film set and use of associated land for parking and storage purposes for a 5 year period
Applicant:	Mr Hood
Agent:	Mrs J Long
Parish/Ward:	Sunninghill And Ascot Parish/Ascot & Sunninghill
If you have a question about this report, please contact: Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal is inappropriate development in the Green Belt and would result in loss of openness in the Green Belt and lead to encroachment of development in the countryside. This harm to the Green Belt is given substantial weight. In addition, the proposed development, on an existing open field, would be an incongruous feature harmful to the rural character and appearance of the area and detrimental to the recreational value of the adjacent public footpath. Accordingly, significant weight is given to this harm.
- 1.2 Due to insufficient information, it has not been demonstrated that the proposal would not adversely affect protected species or their habitats within the vicinity of the site. Accordingly, significant weight is given to this potential harm.
- 1.3 Although Permitted Development Rights exist that would enable the change of use of the land for filming purposes, together with the siting of structures required in association with filming, this relates to a significantly smaller area (1.5 hectares) compared to the application site. It does not therefore, represent a realistic fall-back position and can only be given limited weight. Likewise, due to insufficient information, only limited weight is given to the lack of alternative sites available for filming and the potential social and environmental benefits resulting from revenue received as a result of the development. There would, however, be economic benefits resulting from the proposed development, which national planning policy states should be given significant weight.
- 1.4 In general, the harm caused by the proposal would be limited to 5 years. Similarly, any benefits would also generally be limited to the same temporary period.
- 1.5 The National Planning Policy Framework makes clear that inappropriate development should not be approved except in very special circumstances and that “‘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.”. In this case, the “other considerations” do not clearly outweigh the harm to the Green Belt and the other harm specified and, therefore ‘very special circumstances’ do not exist.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):	
1.	The proposal is inappropriate development in the Green Belt and would result in loss of openness to the Green Belt and lead to encroachment of development in the countryside. ‘Very special circumstances’ do not exist in this case to justify granting planning permission and the proposal is contrary to policies GB1 and GB2 (A) of the Local Plan and paragraph 143 of the NPPF.

2.	The proposal would detract from the rural character and appearance of the area and be detrimental to the recreational value of the public footpath. Insufficient information has been submitted to demonstrate that protected species and/or their habitats would not be adversely affected by the proposal. The proposal is therefore contrary to Local Plan policies N6 and DG1, adopted policies NP/EN4 and NP/EN5 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan (ASSNP) and paragraphs 170 and 175 of the NPPF.
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2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is located in a central position within Sunninghill Park, Windsor Great Park and covers approximately 6.8 hectares. It is predominantly an open, arable field bordered by a concrete track to the east, with woodland and lake (Great Pond) beyond, paddocks to the south, woodland to the west and a continuation of arable fields to the north.
- 3.2 The site can be accessed by way of three established private estate tracks: i) from Watersplash Lane from the south east; ii) from the access track through the Royal Ascot gold club from the west; and iii) from the north east from Sunninghill Road (B383).
- 3.3 The site lies adjacent to the border with Bracknell Forest Borough Council.

4. KEY CONSTRAINTS

- 4.1 The main planning constraint relates to the site's location within the Green Belt.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal involves the creation of a film set to allow for the filming of a television series (Bridgerton) for Netflix (a US Production company). Given the nature of the TV series, the set is required for 5 years, to allow for filming to take place on an annual basis for each series. It is unlikely that filming will occur for more than 8 weeks in any one calendar year and is more likely to only take place for six weeks. In the intervening periods the set pieces would remain in place but unused.
- 5.2 In addition to the construction of the film set, adjacent areas will be used for the creation of a unit base and for parking (for up to 150 cars) on film weeks. This area will lie to the immediate east of the set build nearest the track and project west towards the set build if required.
- 5.3 The proposal involves a set build that recreates a London Square (Regency). The set covers an area of 120m x 120m and does not involve actual buildings but scaffolding with frontages to have the appearance of buildings around a square. A timber fascia is applied to the scaffold frame and painted/dressed to have the appearance of a stone building. The maximum height of the set structures is 12.8m. None of the 'buildings' will be enclosed or have roofs.
- 5.4 The scaffolding frame is weighted with the benefit of water containers to give stability, rather than digging foundations. This allows the works to be reversible at the end of the period of use so that the land will be reinstated to grassland.
- 5.5 The set will be constructed to have the appearance of buildings around a square, in the centre of which will lie an 'arcade'. This is formed of two parallel rows of 'buildings/shops', with a covered canopy roof, which will be enclosed and watertight. This area will provide weather cover in bad weather and allow outside filming to continue.

- 5.6 In addition, the associated activities will include a unit base for a portacabin site office, independent power and water supply, tech area and storage containers, a marquee for costumes and dining and construction and general waste skips. The majority of these facilities will only be brought onto site during filming week.
- 5.7 If permission is granted works on site would start immediately. Filming would take place each year (probably during the summer months)
- 5.8 A previous application 20/02574 for the same proposal was withdrawn in December 2020. No planning history relevant to the consideration of the application.

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(A)
Highways	P4 AND T5
Trees	N6

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

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

Issue	Neighbourhood Plan Policy
Environmental policies: trees, biodiversity, wildlife corridors.	EN2, EN4, EN5

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy>

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 6 – Building a strong and competitive economy

Section 13- Protecting Green Belt land

Section 16- Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Rural Development	SP5
Nature Conservation & Biodiversity	NR3
Trees	NR2

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Rural Development	QP5
Nature Conservation & Biodiversity	NR2
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. Public consultation ran from 1 November to 15 December 2019. All representations received have been reviewed by the Council and the Proposed Changes have been submitted to the Inspector. The Examination of the BLPSV has now resumed and hearings were held at the end of 2020. 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://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

Other Local Strategies or Publications

- 7.4 Other Strategies or publications material to the proposal are:
- RBWM Landscape Assessment

More information on these documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

37 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 13th January 2021 and the application was advertised in the Local Press on 24th December 2020.

20 letters were received supporting the application, summarised as:

Comment	Where in the report this is considered
<p>1. <u>British Film Commission (BFC)</u> The BFC is the UK Government's national organisation responsible for supporting inward investment for film and TV production in the UK, funded by the Department for Digital, Culture, Media and Sport (DCMS) and the Department for International Trade, with corporate sponsorship from key films and TV clients.</p>	<p>All comments from the BFC are noted and considered in paragraphs 9.62 – 9.66 below.</p>
<p>The BFC works closely with the US content streaming platform, Netflix to support their many UK-based productions. Netflix has become one of the UK's most valuable investment clients, financing billions of pounds of production in the UK and creating thousands of UK jobs. Netflix has doubled its UK production budget recently to \$1 billion, following the global success of UK-based shows including <i>The Crown</i> and <i>Sex</i></p>	

	<i>Education.</i>	
	<p>Despite the impact of the COVID-19 pandemic, Netflix is producing more than 50 shows in the UK.</p> <p>The BFC is currently working with Netflix to facilitate the production of a major multi-season project in the UK. In order to accommodate the series, in addition to their studio space, they need an exterior space for an exterior base and set-builds. A suitable site, Sunninghill Park, has been identified as an ideal location due to its proximity to their main filming base and to the largest crew, talent and film and TV infrastructure hub in Europe, which is located in the Western Home Counties. The Crown Estate, who own the land, is supportive of Netflix's plans. As such, the BFC is writing to support Netflix's planning application.</p>	
	<p>Film, TV and wider Creative Industries are the fastest growing sector, growing at five times the rate of the UK economy as a whole. Due to growing demand for filmed content, the film and TV Industry has become increasingly valuable in terms of employment and investment. Film production spend in the UK has increased by 24% in the last five years, with high-end TV (HETV) spend increasing by a remarkable 93%. In an unprecedented year, feature film and HETV spend in Financial Year 2019/20 was £3.6 billion, £200 million higher than the previous 12 month period and the highest since records began.</p>	
	<p>The UK Government recognises that the film and TV Industry is a unique economic and cultural proposition, highlighting "the impact that creative anchor institutes can have on pride and economic performance in an area", and how creative businesses and local investment increase employment and share spill-over benefits across the area and the supply chain.</p>	
	<p>The TV and film industry is also central to the UK's COVID-19 recovery efforts. Following the release of the Government endorsed 'Working safely During COVID-19 in Film and High-end TV Drama Production guidance' by the BFC on 1st June, we have seen an immediate uptick in new film and TV enquiries, with the restart of the majority of major feature films and HETV projects in the UK. The Government's announcement of a new £500 million scheme, that will allow film and TV productions struggling to secure insurance for Covid-related costs to get back up and running in the UK, has further boosted this sector. This support, despite ongoing challenges presented globally by the Covid-19 pandemic, has positioned the UK perfectly to accommodate a wealth of current and future film and TV productions.</p>	
	<p>The BFC is fully supportive of Netflix in this planning application.</p>	Noted.
2.	<p><u>Household Pictures Ltd (on behalf of the Netflix/Shondaland Production of 'Bridgerton')</u></p> <p>The Covid-19 pandemic has brought a number of business sectors to a standstill with national lockdowns. In March 2020 the film industry</p>	All comments from this representation are noted and considered in

<p>closed productions and the vast majority of self-employed crew were without income and ability to access the furlough scheme. Netflix, as with many of the streaming services, has provided solace over this period to their 13 million subscribers in lockdown. This is, in the main, due to the considerable content which Netflix has commissioned in the UK. Shows like Witcher, Sex Education, The Crown and Bridgerton (to which this planning application specifically relates) have become very popular and all were made in the UK.</p>	<p>paragraphs 9.62 – 9.69.</p>
<p>During the pandemic, Netflix has also worked to support out-of-work film crew with over \$150 million in donations to financial support projects across the globe and is now investing heavily in training schemes to assist people to get back to work. Netflix continues to support the UK Film Industry and the UK is its No.1 base outside the USA.</p>	
<p>The application site will be used as a build space for filming locations for the Bridgerton Series that cannot be sourced elsewhere. The site is close to the main Studio and Production base in Uxbridge and provides good access to the amazing locations of Great Windsor Park which were used in Series One.</p>	
<p>The Bridgerton Series has been No.1 on the series listings for Netflix across the world with some 53 million households having watched the show. The series is based on the 8 books written by Julia Quinn which have now for the first time featured in the NY Times and Sunday Times best seller lists. It has also become very popular across social media and drawing critical plaudits from across the world. Bridgerton has quickly become a stand-out production for the UK Film Industry, in the same vein as Downton Abbey and The Crown, and is expected to continue with multiple series.</p>	
<p>The application site will be used across a number of series to create different sets and exterior locations that are impossible to replicate in the public domain and will require a considerable amount of support during the construction, filming and maintenance periods. As Creative England's letter of support points out the flow of spend into the local community is estimated to be between £22-42,000 per day.</p>	
<p>The Bridgerton production would rest in the higher spend bracket mentioned above and in an effort to reduce our carbon footprint, we will try to resource products, materials and services locally where possible – ranging from local hotels and accommodation, building supplies, local transportation, specialist contractors (plumbers, electricians etc and local food produce to feed the cast and crew. Local employment opportunities will also be created to assist with film crew work, supporting actor roles and security. In addition to direct production spend the crew would contribute to local shops and services during their time at the production base.</p>	
<p>Over the period of 5 years a considerable amount of cast and crew will be needed to create, maintain and film at the location. Local businesses will see the benefits throughout the life cycle of this project,</p>	

	and it is hoped that the use of the site for this production will provide many local businesses, which have suffered during the pandemic, with a well-deserved boost.	
3.	<p>From Creative England: Creative England is the national agency that provides support to the creative industries in England, outside London. Funded by Central Government via the British Film Institute, Creative England supports international and domestic film and TV production to shoot in England and works to improve the environment for filming in England. We are in close collaboration with the British Film Commission, working to attract inward investment from film and TV production.</p> <p>Creative England would like to extend their full support to the temporary planning application to Royal Borough of Windsor and Maidenhead by Windsor Great Park for filming purposes, associated storage and parking for a five-year period.</p>	All comments from Creative England are noted and considered in paragraphs 9.62 – 9.69 below.
	The film and TV industry in the UK generates significant value for the UK economy. In 2019 film production in the UK generated a total spend of £1.95 billion, a 17% increase on the previous year's £1.84 billion and the second highest figure since statistics were first recorded. 2019 also saw the second highest level of spend by international filmmakers ever recorded, reaching £1.77 billion. This highlights the confidence international filmmakers have in the UK's creativity, the expertise of our crews, and world-class production facilities combined with the generous UK film tax relief. On a more local level, Creative England estimate the average amount a production spends when filming on location per day is in excess of £42,000 on a major feature film and in the region of £22,000 for a high-end television drama. The impact to both the national and local economy is clear to see.	
	Against the backdrop of the COVID-19 pandemic, the UK Government has made sector specific interventions including a £500 million Film and TV Production Restart Scheme to help domestic film and TV productions which are struggling to get coronavirus related insurance which they need to get back up and running. Over 85% of high-end UK productions are safely starting up again, creating the outstanding content in demand by audiences globally, and generating much-needed expenditure and supporting more than 180,000 jobs to drive the UK's economic and social recovery.	
	Despite the UK's success in attracting international productions in film and high-end TV, the supply of studio and alternative build space is not fully in-step with demand. This temporary planning application directly responds to the shortage of studio and alternative build space in the UK that Creative England have seen over the last number of years. Temporary planning permission would also ensure that the UK remains internationally competitive by ensuring sufficient infrastructure to support inward investment.	
	Windsor Great Park's proximity to the M25, Central London and the	

	largest Studios in the UK in addition to the site's unique attributes such as its 4,800 acres of varied scenic locations and film friendly approach, it is unsurprising that it has been home to some of biggest productions to shoot in the UK over the recent years such as Walt Disney's <i>Cinderella</i> and <i>Into the Woods</i> , Warner Bros.' <i>King Arthur: Legend of the Sword</i> and <i>Harry Potter and the Deathly Hallows – Part One and Two</i> , Universal Pictures' <i>Snow White and The Huntsman</i> and <i>The Huntsman: Winter's War</i> . This validates Windsor Great Park's importance as a filming facility in the UK.	
4.	<u>On behalf of The Crown Estate (landowner)</u> Before the application was submitted, The Crown Estate spent a great deal of time discussing and assessing the requirements that the production company have.	All comments from The Crown Estate are noted and are considered in paragraphs 9.70 – 9.72 below.
	As with any filming request received by the Windsor Estate, careful consideration is given to the impact of the activity on the landscape, the continued operation of the Estate and on our neighbours and the local community.	
	We were pleased to consider the request favourably and support the application for the following reasons:	
	<ul style="list-style-type: none"> - The site selected was chosen after other sites were discounted as not being suitable. The site is agricultural land and not subject to any statutory designations. The land in question is a private part of the Estate. The only public access close to the chosen location is the designated footpath access being through our permitted gate key access scheme, which has been in operation for over 40 years. There is minimal passing footfall and no immediate neighbouring buildings. There are no veteran trees within close proximity to the site selected, and there are three separate vehicular access points to allow traffic flow to be rotated. Neighbouring tenants or sub-tenants of The Crown Estate have all been contacted and consulted. 	-
	<ul style="list-style-type: none"> - The public footpath which runs to the side of the site will of course remain open at all times, and The Crown Estate will ensure that the film company will maintain safe public access along this footpath using a combination of signage and marshals. It should be noted that the footpath runs along an operational Estate road, along which both Farm and Estate traffic already passes. 	-
	<ul style="list-style-type: none"> - Filming is one of a number of business streams employed by The Crown Estate at Windsor to generate income which is used to offset the cost of maintaining, protecting and preserving Windsor Great Park and the wider Windsor Estate. Over five million visitors a year, a great many of them local, enjoy permissive access to this managed private land. The Crown 	-

	<p>Estate is also a significant local employer, and the spin-off for the local economy through the recreational visitor business is significant.</p>	
	<ul style="list-style-type: none"> - The Crown Estate, unlike many other businesses, does not pay a dividend to stakeholders. We are tasked with returning 100% of our net revenue profit to the Treasury for the benefit of the nation's finances and have generated £2.9 billion over the last 10 years. Along with other businesses, the current Covid pandemic has impacted significantly on the income received by the Windsor Estate. The licence fee paid by the production company will be beneficial in helping us maintain the quality and quantity of management and maintenance of the Estate, safeguarding its position as a premier rural destination. 	-
	<ul style="list-style-type: none"> - The Crown Estate is also aware of the responsibility it has to be a good neighbour to both local businesses and local households. We would not have permitted the application to be made if there had been any concern over a negative impact of the filming activity on local businesses or communities. However, the application is made on private agricultural land with very limited public access as previously mentioned. 	-
	<ul style="list-style-type: none"> - We know that the presence of a film crew on site produces significant benefits for local business, be they accommodation, hospitality or retail. There will also be opportunities for flexible and long-term employment through the temporary presence of this film crew. 	-
	<ul style="list-style-type: none"> - As always, in any decision made about a business activity on the Windsor Estate, the long-term wellbeing of the landscape, flora and fauna of the Estate remains our priority. Over many years' experience of working with film crews, both large and small, the Estate has developed a knowledge and experience of working with this industry to safeguard the natural asset that is the Windsor Estate. We have an excellent relationship with Natural England's regional team and our in-house team of experts ensure that there is no ecological risk permitted to the Estate. 	-
	<ul style="list-style-type: none"> - The long-term nature of the film project does not mean that it will be treated in any way differently to a shorter-term project. The wellbeing of the Windsor Estate is more important than short-term financial gain. It is with a great degree of confidence that I can assure you that The Crown Estate, should planning be granted, will work continuously with the production company to ensure that both the land at Sunninghill Park, the neighbouring communities, and the people who use the public access, will be respected and protected. 	-
	<ul style="list-style-type: none"> - When the occupation period is complete, The Crown Estate will ensure, through a contractual commitment with the production company, that the field is returned to its original agricultural 	-

	condition.	
	- We have carefully considered all of the alternative locations on the Windsor Estate but these were not suitable due to their statutory designations.	-
5.	This part of the estate has deteriorated and now the Crown Estate is investing in this part of their holding. This application will assist the long-term regeneration of a section of the Park that needs investment in order to flourish and benefit the local community.	9.70 – 9.72
6.	The positive effects will be beneficial to our own and other local businesses.	9.62 – 9.66
7.	The interests from Netflix to film in the local area over a significant time period is a welcome one and will undoubtedly help out business and other local businesses recover through the post-vaccine recovery stage after an extremely damaging 2020. It will also improve employment prospects within those businesses. From a business and societal aspect we welcome these proposals to help accelerate the Royal Borough's recovery and give us all a brighter future.	9.62 – 9.66

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

Comment		Where in the report this is considered
1.	<u>Green Belt & Character and Appearance of the area</u>	
	Wholly inappropriate for a Green Site. The large structure will affect the openness of the Green Belt.	9.2 – 9.6
	Described as temporary but is for 5 years. Will be a persistent visual intrusion.	Noted.
	The enormous size and scale of the proposal is underplayed in the documents submitted. The London Square area is 4500sqm larger than Leicester Square. The buildings at 12.8m high are twice the height of residential buildings in the local area. Large car park area.	9.7. 9.53 – 9.61
	This is not some modest construction in the rural landscape, this is industrialised sized building built of cladding hung on scaffolding. Monstrous constructions completely alien to the quiet rural setting. No screening can be made to reduce this. The screening provided by existing trees will have little effect.	9.7
	Would scar the beautiful countryside purely for commercial reasons. It will be an eyesore completely out of character with the area.	9.7
	The application submission significantly under-estimates the harm the development will do to the Green Belt.	9.2 – 9.6
2.	<u>Highway & PROW Issues:</u>	

	The proposal will lead to a significant increase in traffic on local roads, which have serious safety implications.	9.8 – 9.13
	The public footpaths serving the field are not suitable for the volume of traffic this project will generate. The existing paths are narrow, have a lack of passing places and are in a poor state.	9.14 – 9.18
	The danger to walkers, runners, cyclists and horses is not justified.	9.8 – 9.13 & 9.14 – 9.18
	The entrance to Sunninghill Park is shared with a public footpath and there is a blind corner that shields oncoming traffic from foot traffic. An increase in traffic movements using this access will increase the risk to users of the public footpath. There is a history of accidents at this entrance.	9.8 – 9.13
	The significant negative impact of the associated traffic both during construction and filming on the local community has not been taken into due consideration.	9.8 – 9.13
	Keypad entry will lead to traffic queuing on the road causing a potential hazard. The gate cannot be permanently open as this would compromise security.	Noted.
	There is no justification to allow a large amount of HGV traffic coming into Ascot for at least 5 years. This is in addition to the two hundred or so light commercial vehicles and cars that will be travelling to the site each day during construction and filming.	9.8 – 9.13
	One of the routes to the site is Watersplash Lane that frequently experiences parking along its length on a typical weekend. The additional traffic from the proposal will make the existing problem of congestion in the area much worse.	9.8 – 9.13
	The proposed access for over 150 vehicles is totally unacceptable.	9.8 – 9.13
	The planned route for construction vehicles through Ascot Football Club is through an already congested bottleneck between Winkfield and the football ground.	9.8 – 9.13
3.	<u>Ecology & Biodiversity</u>	
	Most of the generators for electricity will use diesel. There are no assurances that if there are any leaks this will not pollute the ground water or enter The Great Pond.	9.45 – 9.52 9.19- 9.28 9.29 – 9.42
	Detrimental to the many different types of natural wildlife that live or transit the proposed site. Harmful to protected species.	-
	The construction base and unit base will need to be altered to hardstanding or concrete base, destroying natural flora. This will be extremely difficult to reinstate.	-

	Local wildlife disturbed by noise and light from generator power used for night time operations.	-
	This is an important wildlife corridor and the development and traffic would decimate local wildlife.	-
	There is no ecological survey. Species impact assessments should have been included.	-
	The land is a rare bird habitat. Supports endangered Lapwings and Swifts.	-
	The lake is a breeding ground for frogs and hundreds cross the footpath in Spring and will not survive due to the heavy flow of traffic. The Great Pond is home to a number of bird species.	-
	The site is in an area of Ancient Woodland and watercourses, which comprise an important and irreplaceable environment for biodiversity. The proposal will inevitably cause disruption to these.	-
	Lack of adequate ecological evaluation.	-
	Traffic will lead to an increase in Co2 air pollution.	-
	If Covid has taught the masses one precious thing, it is the value of nature, an extremely precious commodity.	-
	We need to respect our environment and destroy the habitat of animals to pursue our own frivolous pleasures.	-
4.	<u>Trees</u> The development is surrounded by and encroaches onto ancient woodland – an irreplaceable habitat supported a wide range of protected species. Lack of adequate tree surveys so impact difficult to assess.	9.29 – 9.42
5.	<u>Amenities</u>	
	Extra traffic will lead to an increase in noise and disturbance to occupiers at the 'Gate House', from door slamming, engines revving and requests for out-of-hours access.	9.72
	Increase in noise and air pollution from traffic and generators in an otherwise peaceful location. Pollution from lighting.	9.19 – 9.28
	Noise from construction activities as well as during filming including from flying of drones.	Noted

	This area has been vital to the mental health of the community during Covid-19. The huge increase in traffic will be detrimental to our recreation, health and quality of life.	9.70 – 9.72
	The exterior view of the film set will look awful with scaffolding and clutter.	9.7
6.	<u>No very special circumstances</u>	Considered in paragraphs 9.73 – 9.79.
	Ascot is the wrong location and doesn't share any of the other qualities of the alternative sites, such as better access to the motorway network	-
	The benefits proposed do not outweigh the detrimental aspects and the application should be refused.	-
	Benefits to the local economy have not be proved in any way. Any increase to local employment will be temporary and low paid. Netflix will bring their own staff and equipment with them and staff will be working and not spending money locally. Over-estimates the economic benefits.	-
	The film set does not require surroundings to be woodland – it is a London square. There must be more suitable brownfield sites which are currently derelict and less wealthy areas that could benefit from this proposal.	-
	The attempt to justify this application by citing economic improvement for local restaurants and taxi firms is not an exceptional reason to allow development in the Green Belt.	-
	Exceptional circumstances imply something like a local emergency.	-
	It is not within permitted development rights set out in the Town and Country Planning Order 2015	-
	Disturbing this area of local and natural importance for 5 years cannot be acceptable. The wildlife will be displaced and local community disrupted, probably on a permanent basis.	-
	There must be more suitable sites for a London square rather than a Green Belt site.	-
	Lincolns Inn could be used for filming as the streets are not open to the public. There must be lots of alternative locations available throughout the country that are more suitable than building on open green belt land.	-
	Very special circumstances have not been demonstrated in this case.	-
7.	Massive influx of unknown people into the area will mean the freedom of many children allowed to play unsupervised in the woods will be curtailed.	Comment noted.

8.	Once built it will establish a precedent for other such development to be allowed in the future.	9.73 – 9.79
9.	The land is prone to flooding. The significant areas of hardstanding will speed up surface water run-off into the ditch adjacent to the footpath, possibly contaminating it and increase flood risk to the north of the site.	See EA consultee response section 8.
10.	Helicopters and airplanes frequently fly over the site so it will be disrupted by aircraft noise.	Noted.
11.	The wellbeing of horses in the adjoining fields will suffer. Up to 20 horses are walked in hand twice daily to their grazing fields along this road. The risk to horses and their handlers from the levels of traffic associated with the use will be tremendous.	Noted.
12.	There are other film studios in the area – in Longcross, Reading and Shepperton, and another facility is not needed.	9.67 – 9.69
13.	If the proposal does not fall within Permitted Development Rights it cannot be a material consideration.	9.53 – 9.61

Consultees responses, summarised as:

Consultee	Comment	Where in the report this is considered
Parish Council	Strongly objects to the proposed development.	
	The applicant has significantly underestimated the harm the development and its accesses will do to the Green Belt, biodiversity and users of the popular footpaths affected by the proposals. Contrary to NP/EN4.2.	9.2 – 9.6
	Over-estimated the economic benefit of the facility which will only be used between 12-15% of the 5 years it will be in place.	9.62 – 9.66
	It is inappropriate development in high quality green belt.	9.2 – 9.6
	It doesn't respect the character of the surrounding area	9.7
	It will have a significant and unacceptable impact on: <ul style="list-style-type: none"> - The openness of the Green Belt - The health of the prime agricultural land - The biodiversity of the Great Pond and ancient woodland and on two wildlife corridors that cross the site - The tranquillity, enjoyment and safety of the families, dog walkers and cyclists who heavily use the public footpaths - The tranquillity of those residents that live alongside the access roads, which are narrow and not fit for the high level of OGVs and HGVs that will be using them - The viability of the riding stables who walk their horses between the stables and paddocks 	9.2 – 9.79

	<ul style="list-style-type: none"> - The significant areas of hardstanding might speed up surface water run-off into the ditch by FP4 and may contaminate it. May increase flood risk of the land to the north. 	
	If permission is granted it will be used as a filming facility for many years thereafter. This has happened on Bovington Airfield (see alternative sites review)	9.73-9.79
	The lack of information provided makes it difficult to make a full assessment of the application and should be provided before the application is determined.	Noted.
	The case for VSC is very weak. The impacts of the proposal are severe.	9.73 – 9.79
Tree Officer	<p>Recommends refusal. The impact on trees cannot be ascertained as the tree information provided is not BS5837 compliant. A tree survey, tree constraints plan and updated tree protection plan is required.</p> <p>The construction base and unit base is within the minimum 15m buffer zone to the ancient woodland, The Dawrey. This, and part of the set are also within the root protection areas of trees along the southern boundary. This will cause harm and potential loss and is unacceptable.</p> <p>The proposal does not comply with the NPPF or policies N6 and DG1 of the Local Plan.</p>	9.29 – 9.42
Ecology	Objects. Potential adverse impact on ancient woodland and local wildlife site. Potential harm to bats and Great Crested Newts. Insufficient information submitted.	9.19 – 9.28
Natural England	<p>Not assessed the application for impacts on protected species. However it has published standing advice which should be used to assess the impacts on protected species or consult your own ecology service.</p> <p>The proposals as presented have the potential to adversely affect woodland classified in the Ancient Woodland Inventory. The application should be assessed against their standing advice on ancient woodland.</p> <p>The consultations documents indicate this development includes an area of priority habitat.</p> <p>The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.</p>	9.19 – 9.28
Woodland Trust	Objects. Concerned about the proximity of the proposed development to areas of ancient woodland surrounding the	9.19 – 9.42

	<p>site.</p> <p>It is not clear what distance is maintained from the development to Birch Copse and Paddock Wood, however The Dawrey is directly adjacent.</p> <p>With the potential for indirect impacts and in line with Natural England's standing advice, there should be a buffer zone of at least 15 metres between the development and ancient woodland boundary.</p>	
Berkshire Gardens Trust	<p>The application site does not sit within a Registered Park & Garden, nor on any locally listed parks. It is located within Sunninghill Park, which is Crown Estate.</p> <p>There should be an evaluation of former uses of the area and with particular reference to the ancient woodland and Great Pond, so the impacts of the proposal can be fully assessed. In the absence of this information we are likely to object. Also concerned about sufficient tree protection and pressure to fell trees close to the track.</p>	9.19 – 9.42
Highway Authority	<p>No comments received under current application, but consultation response provided for previous identical application 20/02574 (as below).</p> <p>The Highway Authority offers no objections to the proposal subject to complying with conditions in relation to a construction management plan, parking and turning – layout to be submitted and no on-site works and/or filming to take place during Royal Ascot week.</p>	9.8 – 9.13
Public Rights of Way Officer	<p>No comments received under current application, but consultation response provided for previous identical application 20/02574 (as below).</p> <p>Recommended refusal as the proposal would have a significant adverse impact on the recreational value of Public Footpath 4, both in terms of visual intrusiveness when viewed from the footpath, and noise impact on the tranquillity of the setting of the footpath. Contrary to Policy R4 of the Local Plan.</p>	9.14 – 9.18
Environment Agency	<p>No objection.</p> <p>The site lies within Flood Zones 2 and 3. The LPA must be satisfied that a satisfactory route of safe access and egress is achievable</p>	Noted
Lead Local Flood Authority	<p>Recommends refusal in the absence of information referred to in full consultation response.</p>	9.45 – 9.52
Historic England	<p>No comments.</p>	Noted.
Conservation	<p>No objections. The proposal is not considered to overly affect the setting of designated or non-designated heritage assets.</p>	Noted.
Berkshire Archaeology	<p>The application site falls within an area of archaeological significance and archaeological remains may be damaged</p>	9.43 – 9.44

	by ground disturbance from the proposed development. It is therefore recommended that a condition be imposed, requiring the submission and approval of a Written Scheme of Investigation, in order to mitigate the impacts of development.	
SPAE	Society for the Protection of Ascot and Environs: Objects and urges refusal of the planning application.	
	Although the set will be used for filming for between 6 and 8 weeks, the set build would remain in situ for the whole 5-year period. It would therefore have a high degree of permanence, physically changing the character of the site. It will also be visually intrusive and represent encroachment into the countryside.	9.7
	It is unclear how the set and unit base will be protected and secured throughout the year. If a continuous unbroken arrangement (such as fencing) around the site's periphery be necessary, this would substantially reduce the openness of the land.	9.7, 9.53 – 9.61
	In spatial and visual terms, the proposal would cause substantial harm to the openness of the Green Belt, particularly as the site is an open field and is relatively flat pastureland. It would amount to inappropriate development in the Green Belt.	9.2 – 9.6
	The case for very special circumstances heavily emphasises the economic benefits that may be derived. However, there would be little employment gain in the one-off set-up and take-down for five years for the set build. It is also doubtful that acting talent would be drawn from the local community. As such the proposal is highly unlikely to outweigh the detrimental harm that would result from the development in the Green Belt.	9.73 – 9.79
	The site is abutted by Footpath 4, enjoyed by walkers, runners and horse riders, and so would be visually intrusive when viewed from this public footpath. This conflicts with policy R14 of the Local Plan.	9.14 – 9.18
	The proposal is in an area of high biodiversity value and so is likely to have a direct adverse impact on local biodiversity and on the habitat or wildlife of a Local Wildlife Site. The proposal must include an independent survey report which is supported by the Council's ecological adviser. Needs to comply with policy NP/EN4. The proposal should provide net gains for biodiversity.	9.19 – 9.28
	The site is situated in the vicinity of two Green Corridors through Green Belt with water courses flowing from Brewer's	9.19 – 9.28

	<p>Pond and Great Pond to Virginia Water. The proposal must clearly demonstrate how it incorporates appropriate measures to secure the connectivity of the corridors and the freedom of movement for species on or through the site for compliance with policy NP/EN5.</p>	
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9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The principle of development – Green Belt issues;
- ii The impact on the character and appearance of the area;
- iii Highway implications;
- iv The impact on the Public Rights of Way
- v The impact on local ecology and biodiversity;
- vi The impact on trees
- vii Archaeological impacts;
- viii Surface water drainage;
- ix Other material considerations; and
- x The Planning Balance.

The principle of development – Green Belt issues

- 9.2 National Planning Policy, (set out in the NPPF 2019), states “The Government attaches great importance to Green Belts” and 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 The NPPF states that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, (paragraph 143). It goes on to state, in paragraph 144, “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘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.”
- 9.4 Paragraph 145 states that “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt”, with the exception of the certain types of buildings. Paragraph 146 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, and these include material changes in the use of land.
- 9.5 In this case, the proposed change of use of the land for the construction of a film set and use of the land for parking and storage purposes, for a 5 year period involves a set build that covers an area of approximately 14,400sqm, rising to a maximum height of 12.8m. In addition, the proposed construction and unit base, covering an area of approximately 10,680sqm, would accommodate up to 150 cars, a portacabin site office, structures to house independent power and water supplies, a tech area, storage containers (numbers unspecified), a marquee for

costumes and dining, and construction and general waste skips. Also, although unspecified, it is also assumed the entire site would be enclosed for security and safety reasons. Given the application site is currently completely undeveloped, the proposal would cause substantial harm to the openness of the Green Belt and would conflict with one of the purposes of Green Belts, specifically to assist in safeguarding the countryside from encroachment.

- 9.6 Accordingly, the proposal is inappropriate development in the Green Belt and the principle of development is unacceptable. However, the applicant has submitted details of 'other considerations' which they consider clearly outweighs the harm to the Green Belt, and any other harm, such that 'very special circumstances' exist to justify granting planning permission. These are considered towards the end of this report within the 'Planning Balance' section.

The impact on the character and appearance of the area

- 9.7 The application site is an open field, bounded to the east by a public footpath and surrounded on all other sides by open countryside. The siting, scale and design of the proposed development would therefore be incongruous and harmful to the rural character and appearance of the area. The weight attributed to this harm is set out in the Planning Balance section of this report.

Highway implications

- 9.8 At the time of writing the Highway Authority has not provided a consultation response on the current application. However, it did provide comments under the previous, identical application (20/02574) and, as there has been no material change in circumstances since the last application, these (as set out in 9.9 to 9.13 below) are considered to remain valid to the current proposal. Any comments received from the Highway Authority in connection with this application will be reported in full to the Panel.
- 9.9 The application site lies in a central position within Sunninghill Park which is private. The site can be accessed via established private estate tracks. Access to the site will be via 3 routes: i) from Watersplash Lane from the south east; ii) from the access track through the Royal Ascot gold club from the west; and iii) from the north east from Sunninghill Road (B383).
- 9.10 The submitted Design and Access Statement 6.3 states: "During the construction phase heavier vehicles, including trucks (between 7.5T and 18T) will access the site off the A330 from the west, and arrive via the existing road which leads past the football ground and serves the golf club maintenance depot. Car movements will be taken from Watersplash Lane from the south east and from Sunninghill Road to the north." In the interest of highway safety, the Highway Authority requests that temporary measures, such as suitable barriers and signs, are provided along the public right of way from the B383 to Watersplash Lane, to ensure that vehicles and pedestrians are segregated on filming days.
- 9.11 A 5-year planning permission is sought for the site, however the details submitted indicate that construction will only take 4 months and filming will only take place for between 6 and 8 weeks each year. The details indicate the size of the site will offer ample parking and turning to accommodate the proposed 150 cars. A site plan showing access, parking and turning should be provided.
- 9.12 The Highway Authority would request that any works on the site and filming do not take place during Royal Ascot week. This is to ensure there is no further additional impact on the local highway network, (all routes are used during Royal Ascot week).
- 9.13 The Highway Authority offers no objections to the proposal subject to complying with conditions in relation to a construction management plan, parking and turning – layout to be submitted and no on-site works and/or filming to take place during Royal Ascot week.

The impact on the Public Rights of Way

- 9.14 At the time of writing the Public Rights of Way (PRoW) officer has not provided a consultation response on the current application. However, comments were provided under the previous, identical application (20/02574) and, as there has been no material change in circumstances since the last application, these (as set out in 9.15 to 9.17 below) are considered to remain valid to the current proposal. Any comments received from the PRoW officer in connection with this application will be reported in full to the Panel.
- 9.15 The application site is adjacent to a public footpath (Public Footpath 4 Sunninghill) and one of the access routes to the site is shared with parts of this public footpath and Public Footpath 3 Sunninghill. Footpaths 3 and 4 Sunninghill are very well used public footpath, forming links in several circular walks in the area.
- 9.16 The proposed film set and associated infrastructure, including fencing, would have a significant adverse impact on the recreational value of Public Footpath 4, both in terms of visual intrusiveness when viewed from the public footpath, and noise impact on the tranquillity of the setting of the footpath.
- 9.17 Furthermore, vehicles accessing the site would have a significant adverse impact on both Footpath 4 and Footpath 3, in terms of both noise disturbance and visual impact. Notwithstanding that the use would be for a limited period, it is considered that the proposal would be contrary to Policy R14 of the Local Plan and therefore refusal is recommended.
- 9.18 The weight attributed to the harm to the PRoW is set out in the Planning Balance section of this report.

The impact on local ecology and biodiversity

- 9.19 The Council's ecologist has provided the following advice in respect of the proposal:
- 9.20 This application is for the temporary (5 years) erection of a film set (and concomitant filming) with associated access routes. The site proposed for the main film set comprises agricultural land (it is unclear whether this is laid to arable crop, as per the ecology report, or a grassland pasture, as per the Design and Access Statement), which in itself is of low ecological value. The field is bordered by grass and ruderal vegetation margins, with a ditch running around the south, east and north. A concrete track runs down the eastern edge. It is bound to the north and south by tree lines/ mature outgrown disjunct hedgerow, beyond which to the south lies Ascot Golf Course. Adjoining the site to the west is Birch Copse which is an Ancient Woodland, and a priority habitat (as per the NPPF). Adjoining the site to the east is the Dawrey; another Ancient Woodland and priority habitat, and part of the Platts Firs, Penslade Bottom, Fireball Hill Local Wildlife Site (LWS). The proposed main access to the site is an existing track which originates from the main road to the north east of Great Pond, crosses Great Pond to the south, and continues through the ancient woodland to the film set site. The majority of this access road passes through the Platts Firs, Penslade Bottom, Fireball Hill LWS.
- 9.21 The ecology report (AA Environmental Ltd, December 2020) details the results of a Preliminary Ecological Appraisal (PEA) of the main film set site, though it does not appear to give consideration to the impacts of the access routes. The report concludes that protected species are unlikely to be affected by the proposals, and that, provided a 60 metre buffer is retained between the film set and Birch Copse (advice which has been incorporated into the site plan), there should be no adverse ecological impacts.
- 9.22 However, it is unclear from the report why 60 metres has been advised as a buffer from Birch Copse, but no buffer is recommended between the site and the Dawrey woodland to the east. Natural England's standing advice recommends that a minimum of 15 metres buffer is left between a development and Ancient Woodland (which is a highly important and irreplaceable habitat); a larger buffer could be needed if the projected potential impacts of the development on the ancient woodland warrant it. As the temporary film set would contain concrete paving stones, hardstanding, etc., it is likely that there could be increased runoff into the woodlands, and

subsequent changes to the hydrology of the site (and therefore surrounding habitats). As such, we would expect **at least** a 15 metre buffer between the film set and **all** adjacent ancient woodland. It should also be clarified why the ecology report recommends a buffer for Birch Copse, but not the Dawrey (as not much information has been provided about each of these adjacent woodlands). Furthermore, section 3.4 of the Design and Access Statement states that:

“In addition to the construction of the film set, which will remain in situ for the whole 5 year period, adjacent areas will be used for the creation of a unit base, and for parking on film weeks. The position of this area is shown on the submitted plans, and will lie to the immediate east hardstanding on east of set build, nearest to track, and overflow west of the set build area, if required.”

And section 3.13 says:

“The annotated map below shows the set build area, unit service base and the location of the car parking areas.”

- 9.23 The annotated map showing car parking does not appear to have been provided, however, section 3.4 appears to suggest that the wildlife buffer zone to the west of the film set would be used as an overflow car park. It therefore needs to be clarified (and the annotated map provided) whether this is the case and, if so, how many vehicles, and how often, are anticipated to be parked in this area.
- 9.24 Moreover, it is not yet clear from the information provided what volume of traffic is expected, both during construction and filming, along the access tracks over the pond and through the woodland (and how this compares to the current use of these tracks) and therefore what risk there is of creating unacceptable levels of pollution in the sensitive ancient woodland and pond priority habitats. The applicant has stated that they are happy to implement a traffic control system during filming and more information on what this would entail (and controls during construction, as well as filming) would need to be provided prior to the application being determined. Moreover, details would need to be provided on whether and how volume of traffic overall would be mitigated as far as possible through the woodland during filming days (e.g. vehicle sharing, shuttle bus, etc) to minimize both pollution to habitats and disturbance to wildlife inhabiting the LWS.
- 9.25 Additionally, more information would be required regarding the access tracks, particularly during construction. Photos of the track to the east of the film set site show the existing track to be relatively narrow. The applicant should confirm whether tracks would need to be modified, widened, or reinforced anywhere, and whether the existing track is adequate to allow large construction vehicles to pass through (and pass each other) without leaving or straddling the track and potentially impacting on the surrounding ancient woodland flora.
- 9.26 Furthermore, the site lies approximately 270 metres from Brewer’s Pond which is known to host a population of great crested newts (GCN), the size and status of which is, to my understanding, currently unknown, but is likely a breeding population (a juvenile was observed on the golf course – see unrelated planning application 20/02720/FULL). The ecology report states that there are no ponds or habitats suitable for use by GCN on the site, so GCN have not been considered further. However, the grassland and ditches around the field margins and the surrounding hedgerows and woodland could be used by GCN, particularly if individuals were traversing the site between ponds. A full OS map assessment of ponds within 500 metres of the site, and HSI assessments/further surveys where deemed appropriate, should therefore be undertaken to assess the likelihood of there being a GCN metapopulation in the area and, as such, the likelihood of GCN using the terrestrial habitat on the site.
- 9.27 In addition, the site and access routes are surrounded by woodland and the Great Pond which provides optimal habitat for use by bats, including rarer and more light-sensitive species. It appears that actual filming on the set would not occur past 6pm, so presumably lighting associated with filming is unlikely to be an issue. However, information should be provided on proposed lighting of the car parking area/dressing areas, security cabin etc., and the access routes (during both construction and filming) prior to this application being determined. This

information should include the expected hours of operation of lighting, a layout plan with beam orientation, a schedule of equipment, measures to avoid glare, an isolux contour map showing light spillage to 1 lux both vertically and horizontally, and areas identified as being of importance for commuting and foraging bats. Once in receipt of this information, advice can be provided on whether bat transect surveys would need to be undertaken prior to the application being determined.

- 9.28 The further information required and detailed above would need to be provided prior to the application being determined, or the application would need to be refused on the grounds that currently there is insufficient information to assess the potential impacts of the proposals on priority habitats, Ancient Woodland, the LWS, or protected species contrary to paragraphs 170 and 175 of the NPPF and adopted policies NP/EN4 and NP/EN5 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan (ASSNP).

Trees

- 9.29 The Council's Tree Officer has advised the following: The site is bounded to the west by Birch Copse and to the east by The Dawrey, both are ancient woodland. Paddock Wood to the north east of the site is also ancient woodland. There is also a linear woodland strip to the west of The Dawrey, immediately to the west side of the track, south of the site. This has been recognised as ancient woodland in a review undertaken by Thames Valley Environmental Records Centre, the results of which have been submitted to Natural England for review and inclusion in the national inventory.
- 9.30 There are several trees along the northern and southern boundary of the site along with other natural vegetation. These trees may form part of a remnant hedgerow.
- 9.31 A British Standards 5837 tree survey, constraint plan and tree protection plan is required, to assess the impact on trees and to demonstrate how trees/woodland will be adequately protected. In the absence of this my comments are generalised.
- 9.32 The NPPF, section 175 states: When determining planning applications, local planning authorities should apply the following principles:
(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 9.33 Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat. It is important for its wildlife (which include rare and threatened species), soils, recreational value, cultural, historical and landscape value.
- 9.34 Direct impacts of development on ancient woodland or ancient and veteran trees may include:
- damaging or destroying all or part of them (including their soils, ground flora or fungi);
 - damaging roots and understorey (all the vegetation under the taller trees);
 - damaging or compacting soil around the tree roots;
 - polluting the ground around them;
 - changing the water table or drainage of woodland or individual trees;
 - damaging archaeological features or heritage assets.
- 9.35 Nearby development can also have an indirect impact on ancient woodland or ancient and veteran trees and the species they support. These can include:
- breaking up or destroying connections between woodlands and ancient or veteran trees;
 - reducing the amount of semi-natural habitats next to ancient woodland;
 - increasing the amount of pollution, including dust;
 - increasing disturbance to wildlife from additional traffic and visitors;
 - increasing light or air pollution;
 - changing the landscape character of the area.

- 9.36 For ancient woodlands, a minimum buffer zone of at least 15 metres is required in order to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, a larger buffer zone will be required. For example, the effect of air pollution from development that results in a significant increase in traffic.
- 9.37 The construction base and unit base is within the minimum 15m buffer zone to the ancient woodland, The Dawrey. This and part of the set are also within the root protection areas of trees along the southern boundary. This will cause harm to and potential loss of and is unacceptable.
- 9.38 It is noted the existing access track will be used for vehicles to access the site. However, the track may not be able to easily accommodate the increased traffic movements without the introduction of passing places. This potentially could have a further impact on trees and ancient woodland. The point at which vehicles are driven from the track onto the parking area has not been shown.
- 9.39 It is noted applicants are willing to agree to a traffic management programme for main filming days when the highest number of traffic movements can be expected. However, this should also be extended to the build and dismantling phases which potentially have high level of traffic movements.
- 9.40 The red line boundary comes up to the edge of Birch Copse, which is within the minimum 15m buffer of this ancient woodland. It is unclear whether the land to the west of the set, up to Birch Copse, will also be used in connection with filming and what its exact purpose might be, this needs to be clarified.
- 9.41 The applicant will need to provide further information as outlined above and revise the extent of the useable area of the site. Currently, the proposal does not comply with the NPPF or policies N6 and DG1 of the Local Plan and policy NP/EN2 of the ASSNP. Unless the above is satisfactorily addressed, the application should be refused.
- 9.42 A response to the Tree Officer's comments in support of the proposal and in respect of the potential impact on trees has been provided by the Crown Estate Chief Forester. In summary, it advises that there will be no impact on the areas designated as Ancient Woodland (as these have been maintained / cut as 'plantation'), nor will there be any impact on the trees on the south side of the side as these are poor quality / overgrown hedge trees.

The woodland to the west of the build site is designated as plantation on ancient woodland site. The woodland has a long history of plantation and as such is not rich in Ancient Woodland flora and fauna. As it is on the other side of the concrete road and currently fenced from the proposed build area there will be no impact from the proposals on this area.

The area of woodland to the north of the site is called Paddock Wood. This is also plantation on ancient woodland site. There is no part of the development within 15m of this area of woodland so there will be no impact on this area of woodland.

The area of woodland to the west is called Birch Copse and this area is designated as an ancient woodland site. The proposals for the site shows a clear buffer zone between the build site and the woodland – well in excess of the recommended 15m. The proposal for this buffer area is to manage it as a grassland conservation area. This buffer will provide a far better habitat and level of protection than the current arable use of the field.

There are scattered trees and scrub in the southern margin. These are likely to be remnant hedgerow trees. The scrub is mostly elm which is suffering from Dutch elm disease. These trees are not ancient or veteran and do not hold any particular conservation interest. The plans for the site show a clear root protection zone around these trees, again providing better protection than the current cultivation associated with the arable crop.

In general the proposals take into account all the issues relating to trees around the site and provide adequate root protection zones and buffers from ancient woodland sites. The protection offered to these trees through these proposals will likely have a more positive impact on the trees than the current land use which involves regular cultivation up to the woodland boundaries and around the field trees.

It may be useful to prescribe the management regime of the buffer strip. In order not just be left to grow but be actively managed to maximise conservation benefits.

Archaeological impacts

- 9.43 There are potential archaeological implications associated with this proposed scheme. The site of the proposal area is wholly a known heritage asset in the form of a royal demesne, emparked in the late 14th century with a lodge, and later a mansion (Sunning House). Within the park area, and less than 800m from the proposed site, there has been no less than 14 individual find spots for archaeological material, with many of these spots turning up more than one item. Many of these have been registered with the portable antiquities scheme.
- 9.44 Therefore the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. It is therefore recommended that a condition, requiring the submission and approval of a Written Scheme of Investigation, be imposed, should permission be granted, to mitigate the impacts of the development. This is in accordance with paragraph 199 of the NPPF.

Surface water drainage

- 9.45 The flood risk assessment and drainage strategy proposes two surface water drainage options. The first involves infiltration through permeable paving and a soakaway. The second, intended to be used if infiltration is not practical, utilises attenuation crates which discharge to a drainage ditch on the eastern edge of the site. In line with the national Planning Practice Guidance, the drainage hierarchy should be followed, and the infiltration strategy should be implemented unless the applicant demonstrates this is inappropriate or not reasonably practicable.
- 9.46 The drainage design for both options is high level and no ground investigation or infiltration tests have been conducted. RBWM planning constraints indicate the site, or at least parts of it, is designated as contaminated land and there is a concern that this could impact on the viability of an infiltration strategy. The applicant would need to demonstrate that potential risks of mobilising existing contaminants have been considered as part of the drainage strategy and will be appropriately mitigated.

- 9.47 The Lead Local Flood Authority (LLFA) would normally expect infiltration rates to be based upon on-site testing conducted in accordance with BRE Digest 365. However, given the site location, the nature of development and the short development lifetime, with reinstatement of the site to grassland at the end of a 5-year period, the LLFA would be prepared to accept an indicative infiltration rate in this case, should infiltration be appropriate. However, the applicant would need to clarify how the estimated infiltration rate used in the submitted calculations was derived at.
- 9.48 No information on site or drainage systems levels have been provided and, therefore in the case of the fall-back, non-infiltration option, the attenuation crate depth, (including possible cover depth as a trafficked area), may be higher than the ditch invert level where the outfall is proposed. As a result it is not clear that either option presents a viable drainage system at present. The applicant needs to provide a more detailed drainage strategy demonstrating that there will be a viable method of disposing of surface water.
- 9.49 In both drainage strategy options, the parking build and base area may increase the rate at which contaminants (e.g. hydrocarbons) enter the ground and/or nearby watercourses. The applicant needs to demonstrate that the proposal would not result in unacceptable water quality risk to the receiving waterbody. This is normally demonstrated through the risk screening, and where appropriate, the Simple Mitigation Index approach.
- 9.50 The applicant also needs to clarify who would be responsible for the maintenance of the system through the 5-year implementation period and provide maintenance details.
- 9.51 Unless the information referred to above is provided, the LLFA recommends the application be refused, contrary to paragraph 165 of the NPPF.
- 9.52 In response to the LLFA's advice, the applicant has confirmed that an above-ground attenuation based system, that incorporates a petrol and hydrocarbon interceptor, can be employed in this case, and that details of this and information in respect of the other queries raised can be provided as part of an appropriately worded planning condition.

Other material considerations

Permitted Development Rights

- 9.53 Schedule 2 Part 4 Class E of the Town and Country Planning (General Permitted Development) Order 2015 specifies that the temporary use of any land or buildings for a period not exceeding 9 months in any 27 month period for the purpose of commercial film-making ; and the provision on such land during the filming period of any temporary structures, works, plant or machinery required in connection with that use is permitted development, i.e. does not require planning permission.
- 9.54 However, part E.1 sets out that development is not permitted by Class E if:
- The land in question is more than 1.5 hectares
 - The use of the land is for overnight accommodation
 - The height of any temporary structure exceeds 15m, or 5m where any part of the structure is within 10m of the curtilage of the land
 - The land is on article 2(3) land
 - The land forms part of a site of special scientific interest, a safety hazard area or a military explosives storage area
 - The land contains a scheduled monument or
 - The land is within the curtilage of a listed building

- 9.55 Part E.2. states that Class E development is permitted subject to the condition that (a) any structures, works, plant or machinery provided under the permission must, as soon as practicable after the end of each filming period, be removed from the land; and (b) the land on which any development permitted by Class E has been carried out must, as soon as reasonably practicable after the end of the filming period, be reinstated to its condition before the development was carried out.
- 9.56 Part E.2 (2) states development is permitted subject to the condition that before the start of each new filming period the developer must apply to the local planning authority for a determination as to whether prior approval of the authority will be required as to:
- i. The schedule of dates that make up the filming period in question and the hours of operation;
 - ii. Transport and highway impacts of the development;
 - iii. Noise impacts of the development
 - iv. Light impacts of the development, in particular the effect on any occupier of neighbouring land of any artificial lighting to be used, and
 - v. Flooding risks of the site
- 9.57 Accordingly and theoretically, the applicant could erect the film set (set build only) as proposed by the current planning application and which is approximately 1.4 hectares, (so less than 1.5 hectares), on the land the subject of this application, and film for no more than 9 months over a 27 month period or, for example, film for 4.5 months each year and then after a break of 3 months start again. So the film set itself could be erected and used for 4.5 months every year for 10 years, which would be the equivalent amount of time for filming proposed under the current planning application. Due to the size of the site being restricted to 1.5 hectares a base unit of a comparable size to that proposed under the current application could not be provided under permitted development. The set would also have to be removed from the land after each filming period and the land reinstated to its original condition
- 9.58 If the applicant chose to take the permitted development route they would need to apply to the Council for prior approval.
- 9.59 It is important to note that the relevant permitted development rights criteria do not require any consideration to be given to the impact of the proposal on the Green Belt, character of the area in which the site is located, local ecology or biodiversity, trees, surface water drainage or archaeology.
- 9.60 The Permitted Development Rights available to the applicant are a material consideration in the assessment of this planning application and the weight given to this is set out in the Planning Balance below.

Economic benefits

- 9.61 Paragraph 80 of the NPPF states that planning decisions “should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”
- 9.62 The applicant has submitted a ‘Statement of Very Special Circumstances’, which sets out the economic benefits of the proposal. These benefits are evidenced in the supporting letters received in connection with the application from The British Film Commission (BFC) and Creative England, (see supporting letters in Section 8 of this report). The BFC confirms that the applicant (Netflix) has become one of the UK’s most valuable investment clients, financing billions of pounds of production in the UK and creating thousands of jobs. It further advises that the film, TV and creative industries are the fastest growing sector, growing at five times the rate of the UK economy as a whole and, due to growing demand, the Industry has become increasingly valuable in terms of employment and investment.

- 9.63 At a local level and in its supporting letter, Creative England confirms that it is estimated that the average amount a production spends when filming on location per day is in excess of £42,000 on a major feature film and in the region of £22,000 for a high-end television drama.
- 9.64 The application site is required for filming locations for the 'Bridgerton' series which, since its release in the UK on Christmas Day last year, has topped the series listings for Netflix across the world with some 53 million households having watched the show. In a short space of time, it has become a stand-out production for the UK Film Industry, in the same vein as Downton Abbey and The Crown. Netflix has announced a second series and multiple series are expected to follow.
- 9.65 The economic benefits of the proposal that are direct and indirect, local and wider are material considerations relevant to the assessment of the proposal and the weight to this is set out in the Planning Balance section below.

Lack of suitable and available alternative sites

- 9.66 The application is supported by a list of alternative sites that were considered during the site selection process but were discounted in favour of the application site. 5 alternative sites were investigated and discounted for various reasons ranging from the site being too small/insufficient space, highway constraints, potential noise issues, trees and safety issues.
- 9.67 In its supporting letter, Creative England states that "despite the UK's success in attracting international productions in film and high-end TV, the supply of studio and alternative build space is not fully in-step with demand." It adds that "temporary planning permission for the proposal would ensure that the UK remains internationally competitive by ensuring sufficient infrastructure to support inward investment."
- 9.68 The BFC, in its supporting letter, confirms that the application site is the "ideal location due to its proximity to their (*the applicants*) main filming base and to the largest crew, talent and film and TV infrastructure hub in Europe, which is located in the Western Home Counties." Creative England states that Windsor Great Park, with its unique attributes such as its 4800 acres of varied scenic locations and film friendly approach, make it an important filming facility in the UK.

Social and environmental benefits

- 9.69 The Crown Estate, (application site landowner), sets out in its letter of support (see section 8 above) that unlike many other businesses, it does not pay a dividend to stakeholders, but is instead tasked with returning 100% of its net revenue profit to the Treasury for the benefit of the nation's finances, and has generated £2.9 billion over the last 10 years. Along with other businesses, the current Covid pandemic has impacted significantly on the income received by the Windsor Estate. The licence fee paid by the production company will be beneficial in helping The Crown Estate maintain the quality and quantity of management and maintenance of the Estate, safeguarding its position as a premier rural destination.
- 9.70 As many of the local residents have confirmed in their letters of representation, Windsor Great Park is highly valued as an attractive and safe environment that is important to their well-being. Accordingly, there are social and environmental benefits arising for the proposal which, if approved, would provide a source of income to the Crown Estate helping it to "maintain the quality and quantity of management and maintenance of the Estate."

Impact on residential amenities

- 9.71 The application site is in a relatively isolated position with no residential properties close by. The nearest dwelling to the site is over 500m away. Accordingly, the proposal would not harm the living conditions of any residents in terms of loss of privacy, loss of light or from the structure appearing overbearing when viewed from their properties.

The Planning Balance

- 9.72 As set out in paragraph 9.3 above, inappropriate development in the Green Belt should not be approved except in very special circumstances. Local planning authorities are required to give substantial weight 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.
- 9.73 In assessing the weight to be given to each factor in favour of or against the proposal, it is important to have regard to the temporary 5-year nature of the application, (notwithstanding precedent arguments which are not relevant in the consideration as each application is determined on its own merits). The application is not for a permanent development and therefore any harm caused by it will not necessarily be permanent. Likewise, any benefits from the proposal may also not be permanent.
- 9.74 In addition, while the NPPF specifies the amount of weight to be given to certain issues, for example, any harm to the Green Belt is given substantial weight, there are other material considerations where the weight given is a matter for the decision-taker, having regard to the information before them. Accordingly, the 'weighing-up' exercise outlined below is an officer recommendation and the weight, for issues in favour or against, could be varied according to the Panel's (as the decision-taker) judgement of the proposal.
- 9.75 In this case, the proposal is inappropriate development in the Green Belt, would lead to loss of openness in the Green Belt and would lead to encroachment of development in the countryside. This harm to the Green Belt is given substantial weight, albeit limited to 5 years. Given the open, undeveloped and rural nature of the land, harm to the character and appearance of the area would also be caused and this is given significant weight. The Council has a statutory duty in regard to protected species and their habitats and, as the potential harm to these are unknown due to lack of information, this is also given significant weight.
- 9.76 The surface water drainage issue is considered to be a matter that could be satisfactorily resolved. There are no objections from the Highway Authority nor from Berkshire Archaeology, subject to planning conditions. In addition, the proposal would not harm the living conditions of any residents living within the vicinity of the application site. These matters have a 'neutral' impact and therefore no weight is given to them.
- 9.77 In favour of the proposal, the site benefits from Permitted Development Rights (PDR) which allows the temporary use of any land or buildings for a period not exceeding 9 months in any 27 month period for the purpose of commercial film-making; and the provision on such land during the filming period of any temporary structures, works, plant or machinery required in connection with that use. However the application site area and the development proposed far exceeds the amount that could be provided under permitted development and would be permanently in place for 5 years, as opposed to being removed from the site after each filming period as required by the PDR. Accordingly, this consideration is given limited weight. Based on the information submitted, only limited weight is given to the lack of alternatives to the application site and limited weight is given to the social and environmental benefits.
- 9.78 Having regard to the supporting information provided, significant weight is given to the economic benefits arising from the proposal, (as required by paragraph 80 of the NPPF), which may be limited due to the temporary nature of the proposal, but may not if, for example, it assists in securing further investment into the UK's Film and TV Industry.
- 9.79 Given the weighting attributed to the other considerations set out above and, as the test requires that harm to the Green Belt and any other harm must be clearly outweighed by other considerations, it is not considered that 'very special circumstances' exist in this case.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is not CIL liable.

11. CONCLUSION

- 11.1 The proposal is inappropriate development in the Green Belt and would result in loss of openness to the Green Belt and lead to encroachment of development in the countryside. It has not been demonstrated that the 'other considerations' in support of the proposal would clearly outweigh the harm to the Green Belt and other potential harm. As such, 'very special circumstances' do not exist in this case and the proposal is contrary to policies GB1 and GB2 (A) of the Local Plan and paragraph 143 of the NPPF.
- 11.2 In addition, the proposal would detract from the rural character and appearance of the area and be detrimental to the recreational value of the public footpath, contrary to Local Plan policies DG1 and R1, and paragraphs 98 and 127 of the NPPF. Due to insufficient information it has not been demonstrated that protected species and/or their habitats would not be adversely affected by the proposal, contrary to Local Plan policies N6 and DG1, adopted policies NP/EN4 and NP/EN5 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan (ASSNP) and paragraphs 170 and 175 of the NPPF.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site layout plan
- Appendix C – Proposed layout of film set
- Appendix D – Site sections
- Appendix E – Site sections

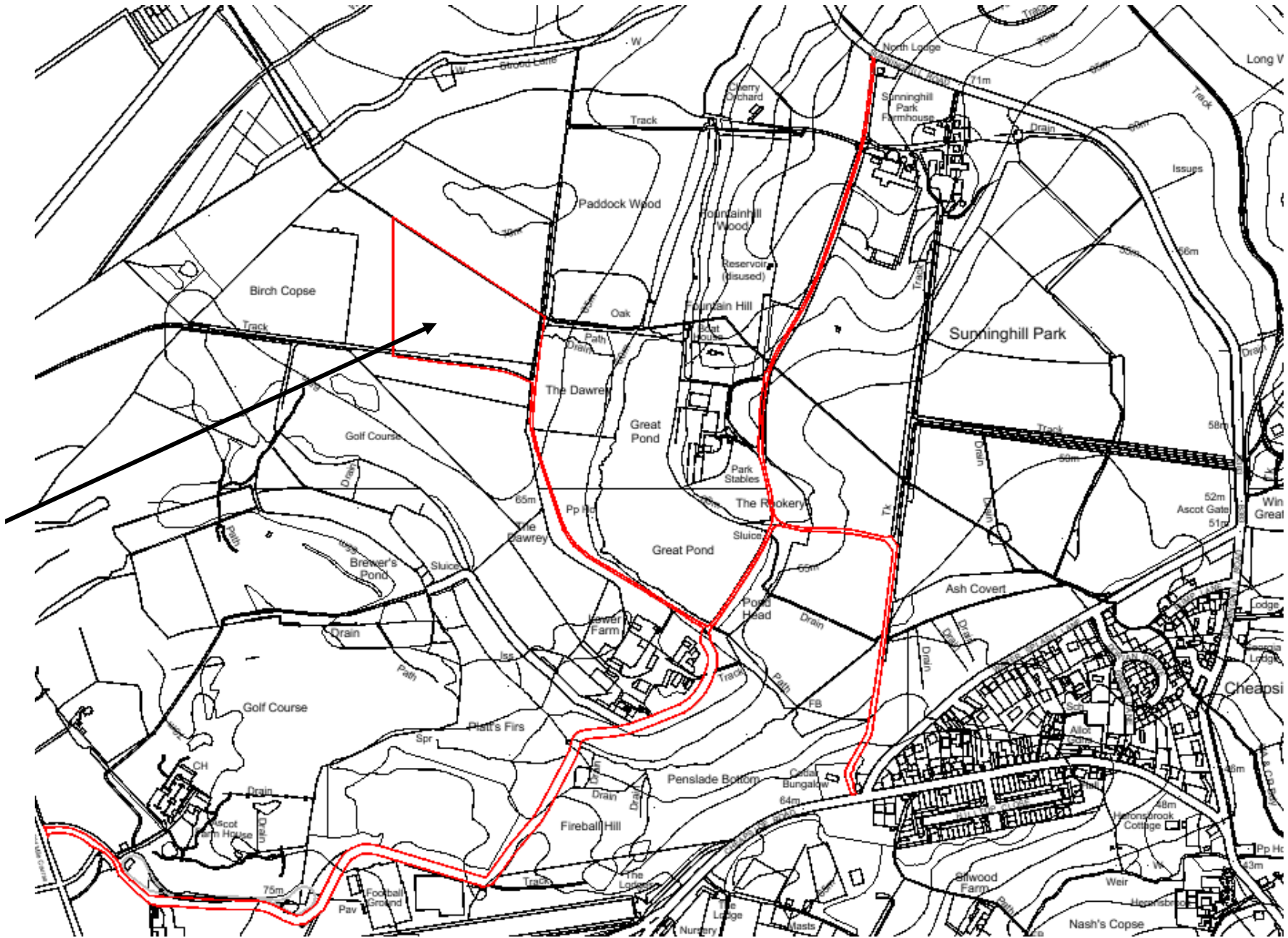
13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

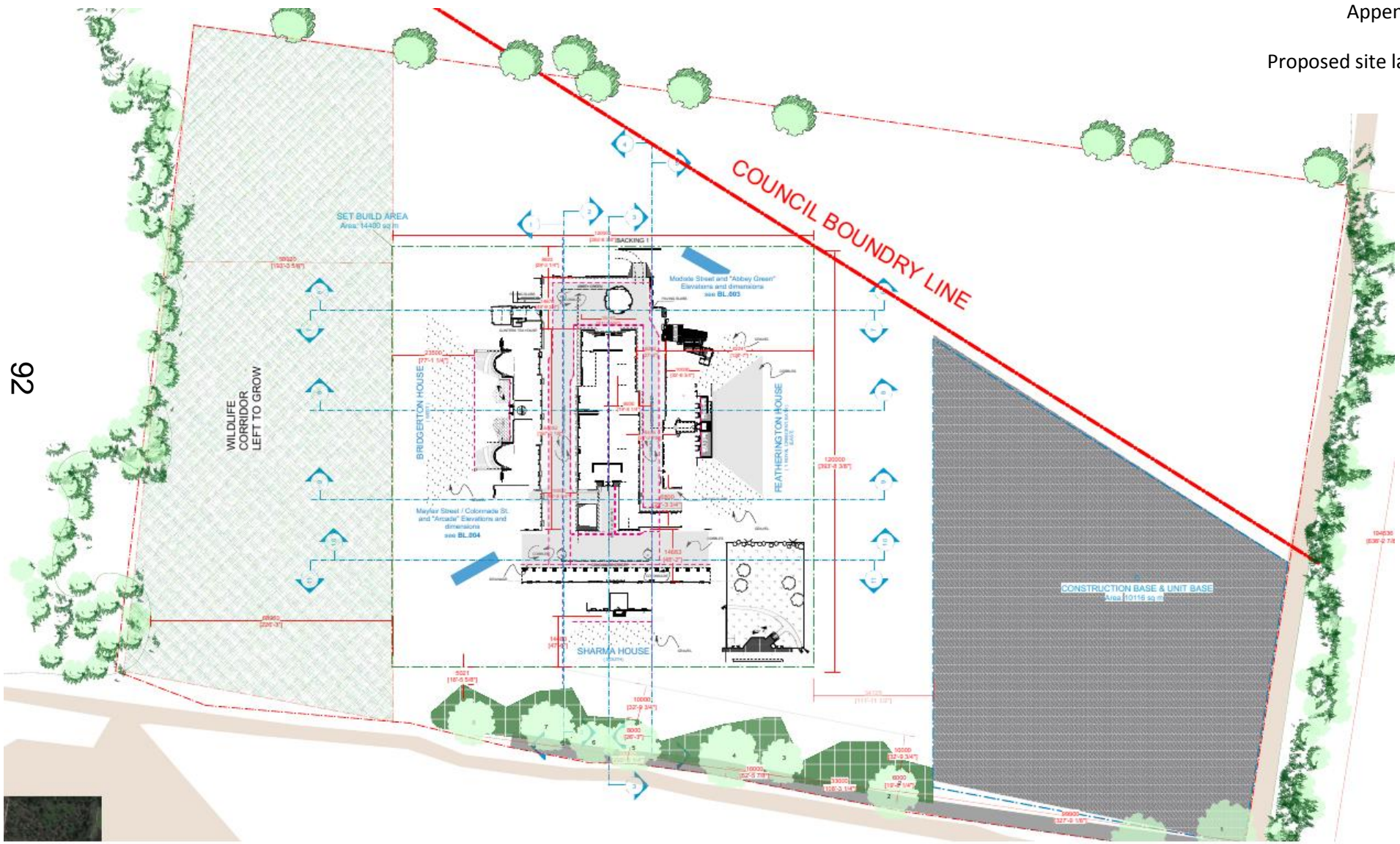
- 1 The proposal, by reason of its size and siting, is inappropriate development in the Green Belt and would result in loss of openness to the Green Belt and lead to encroachment of development in the countryside. It has not been demonstrated that the 'other considerations' in support of the proposal would clearly outweigh the harm to the Green Belt and other potential harm. As such, 'very special circumstances' do not exist in this case and the proposal is contrary to policies GB1 and GB2(A) of the Royal Borough of Windsor and Maidenhead Local Plan, adopted 2003, and paragraph 143 of the National Planning Policy Framework, 2019.
- 2 The proposal, by reason of its siting, design and scale, would detract from the rural character and appearance of the area and be detrimental to the recreational value of the public footpath (Footpath 4) that runs adjacent to the site. This is contrary to adopted Local Plan policies DG1 and R1 and paragraphs 98 and 127 of the NPPF.
- 3 Due to insufficient information it has not been demonstrated that protected species and/or their habitats would not be adversely affected by the proposal, contrary to Local Plan policies N6 and DG1, adopted policies NP/EN4 and NP/EN5 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan (ASSNP), 2014 and paragraphs 170 and 175 of the NPPF.

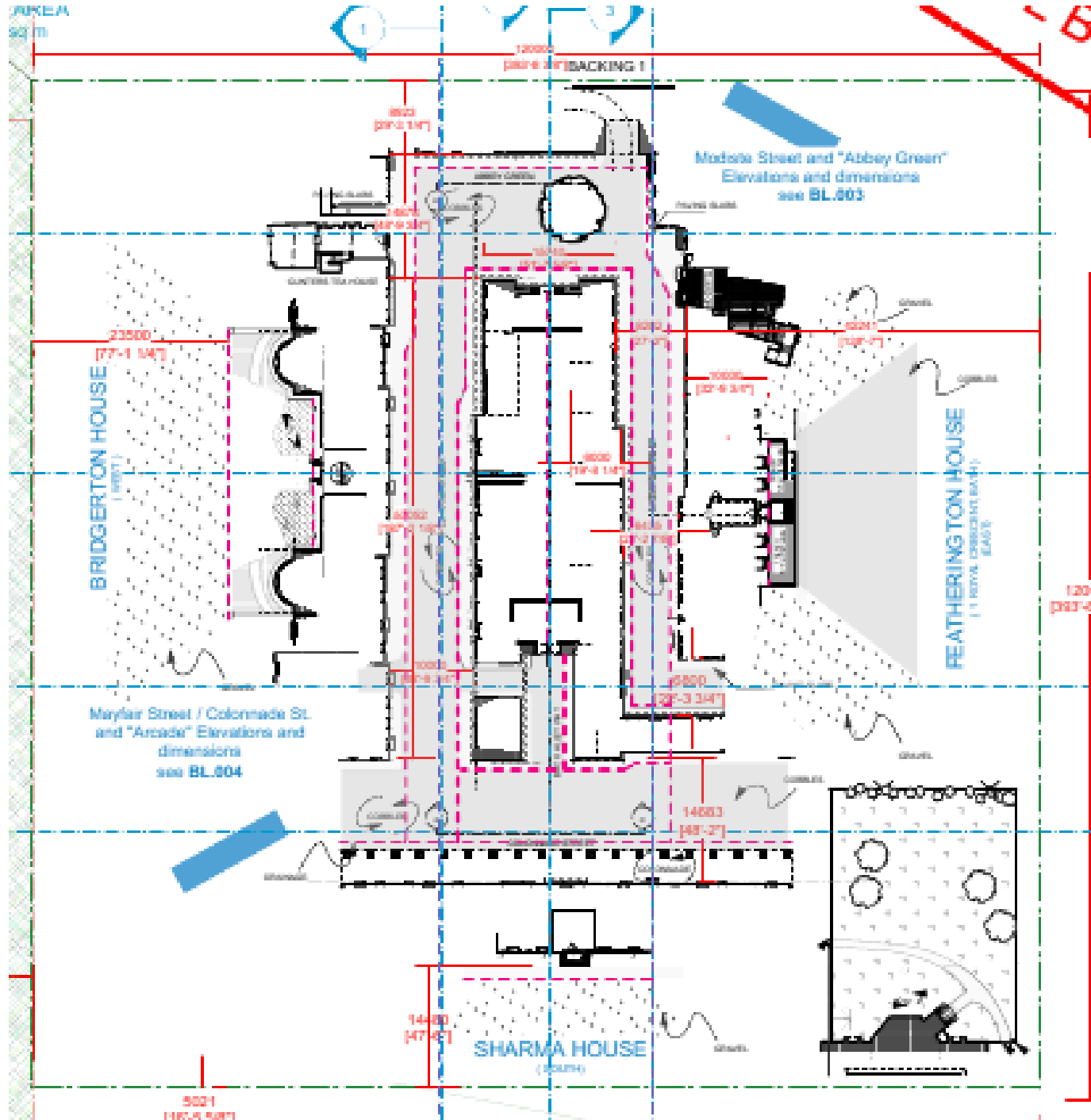
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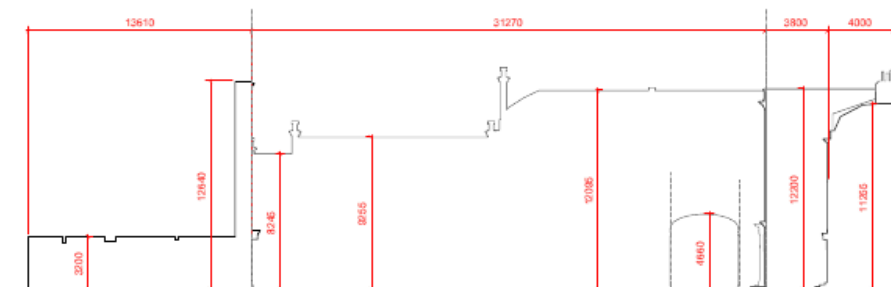
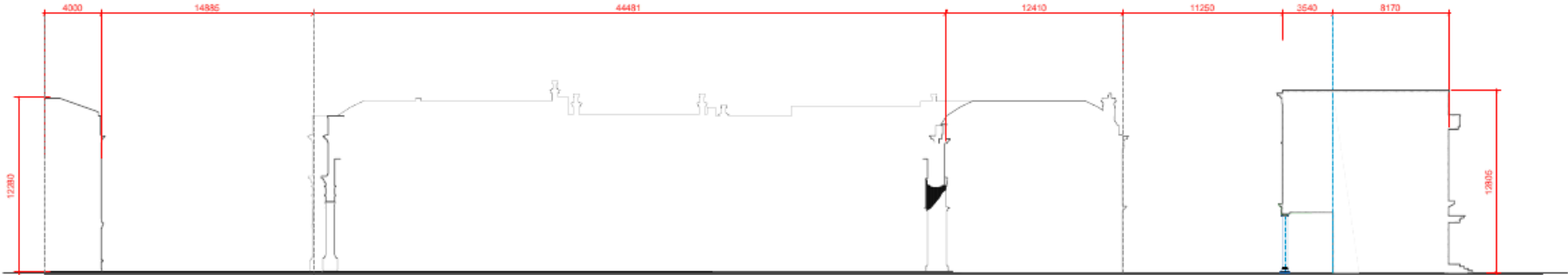
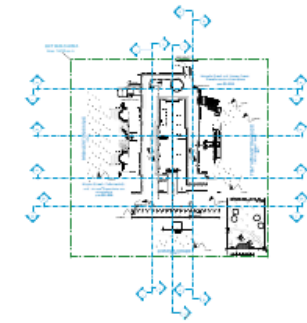
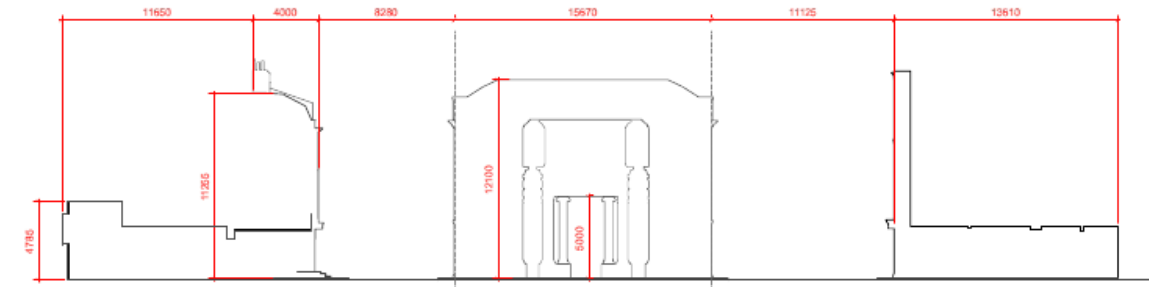
Application site







Appendix C
Proposed layout of film set



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Appendix D

Proposed film set sections

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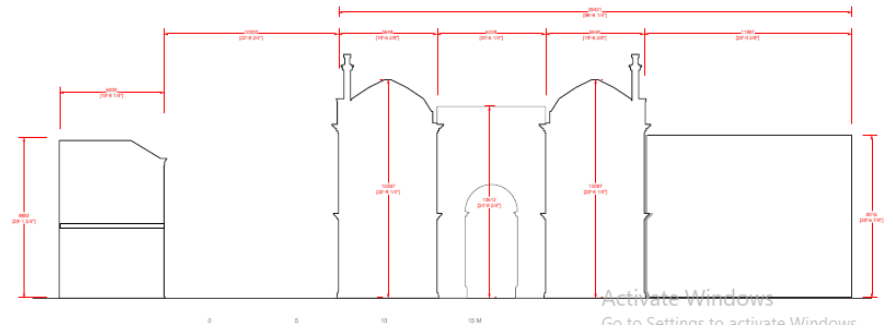
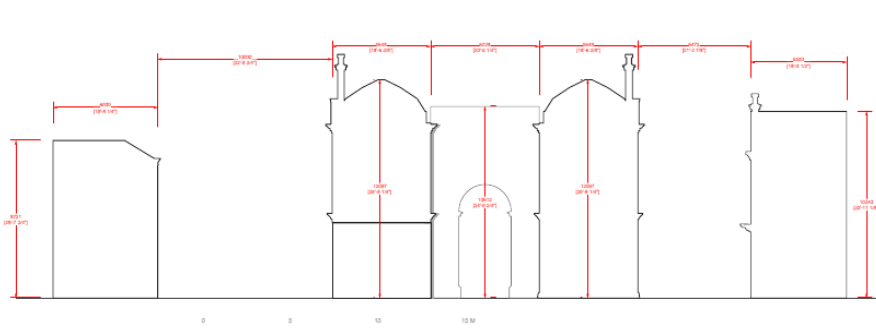
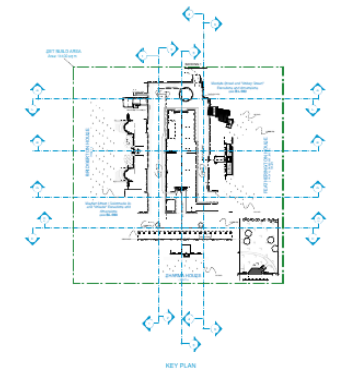
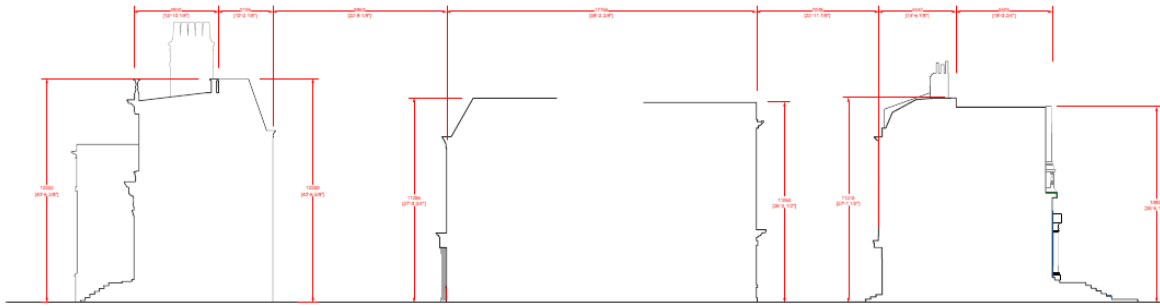
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Agenda Item 7

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

DEVELOPMENT CONTROL PANEL

17 February 2021

Item: 4

Application No.:	20/02720/FULL
Location:	Reservoir Ascot Racecourse Winkfield Road Ascot To Pumping Station West of The Great Pond Watersplash Lane Ascot
Proposal:	Installation of replacement underground water pipeline, replacement plant to pump house and associated works connecting from Ascot Racecourse Reservoir; across Winkfield Road (A330); Royal Ascot Golf Club; Lower Farm; and to the Great Pond.
Applicant:	
Agent:	Mr Wai-kit Cheung
Parish/Ward:	Sunninghill And Ascot Parish/Ascot & Sunninghill
If you have a question about this report, please contact: Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk	

1. SUMMARY

The proposal is for development that is not inappropriate in the Green Belt and would not adversely affect any trees. However, the site is located in an area known to host Great Crested Newts (GCN) and, due to insufficient information, it has not been satisfactorily demonstrated that the proposal would not adversely impact GCN, which are a protected species.

It is recommended the Panel refuses planning permission for the following summarised reason (the full reason is identified in Section 13 of this report):

- | | |
|-----------|---|
| 1. | Insufficient information has been provided regarding the impacts of the proposals on Great Crested Newts, which are a protected species and a material consideration in the planning process. Accordingly, the proposal is contrary to paragraph 175 of the National Planning Policy Framework 2019 and adopted Policy NP/EN4 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan, 2014. |
|-----------|---|

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 approximately 1.29 hectares and encompasses land within Ascot Racecourse, Winkfield Road, Royal Ascot Golf Club, Lower Farm public footpath SUNH/4/2 and the wooded area by the Great Pond. The site includes the area of the new water pipeline as well as the construction access route from a construction compound located south of the Royal Ascot Golf Club to the east-west main pipeline alignment.

4. KEY CONSTRAINTS

- 4.1 The application site is within the Green Belt. The areas around Brewer's Pond and the Great Pond are also designated Wildlife Heritage Sites.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal is for the installation of a replacement underground water pipeline, replacement plant to pump house and associated works. The replacement pipeline is approximately 1.26km long and will connect from Ascot Racecourse Reservoir, across Winkfield Road (the A330), Royal Ascot Golf Club, Lower Farm and to the Great Pond at Ascot.
- 5.2 The purpose of the new 125mm diameter pipeline, (which will be installed by a combination of horizontal directional drilling and open trenching and take approximately 9 weeks to install), is to replace an existing and aged pipeline that follows a similar route. The existing pipeline carries water abstracted from the Great Pond, (via the existing pump house utilising the Racecourse's existing abstraction rights), to the reservoir within the Racecourse, where it is stored and used for irrigation needs. However, as the existing pipeline is aged and leaking, particularly the section along the golf course, there is a need to decommission the existing pipeline, (which will be disconnected and remain in-situ) and replace this with the laying of the new pipeline. This will provide a more efficient and effective channelling of water from the Great Pond to the Racecourse and minimise unnecessary water wastage.
- 5.3 The proposed pipeline would be installed using two methods. Horizontal Directional Drilling (HDD) from the Ascot Racecourse Reservoir, beneath the A330 to the western edge of Royal Ascot Gold Club and for a distance of approximately 95m. The minimum depth of the HDD is approximately 1.2m and the maximum is circa 2.8m. This method of installation is a minimal impact trenchless method of installing underground pipes. Due to the high cost of HDD, only a short section of the new pipeline will be installed using this method to address the need to avoid underground utilities beneath the A330, as well as minimising impact to this highway.
- 5.4 The majority of the new pipeline, (at a length of approximately 1,165km), will be installed using ground excavation, open trenching, pipe-laying and associated reinstatement methods. This is the traditional 'cut and cover' pipeline installation method, whereby a trench is dug by a 14-tonne excavator, pipeline laid and then the trench back-filled and top-soil added. For this proposal, the width of the trench is to be up to 0.45m wide and with a typical trenching depth of approximately 1.2m. The proposal requires a working area either side of the trench at 3.5m, so that the total width of the pipeline installation working area will be up to 7.45m
- 5.5 Plant within the pump house, (located in a small timber structure in close proximity to the Great Pond) is to be replaced as part of the proposed development to enable water extraction. The replacement plant will be similar to the existing and will be contained within the existing pump house.
- 5.6 There is no planning history relevant to the consideration of the proposal.

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 (A)
Local character	N1
Trees	N6, DG1
Recreation	R8

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

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

Issue	Neighbourhood Plan Policy
Environmental (inc Trees and Biodiversity)	EN2, EN4

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy>

7. **MATERIAL PLANNING CONSIDERATIONS**

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 8- Promoting healthy and safe communities

Section 13- Protecting Green Belt land

Section 15- Conserving and enhancing the natural environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Rural Development	SP5
Nature Conservation & Biodiversity	NR3
Trees	NR2

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Rural Development	QP5
Nature Conservation & Biodiversity	NR2
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. Public consultation ran from 1 November to 15 December 2019. All representations received have been reviewed by the Council and the Proposed Changes have been submitted to the Inspector. The Examination of the BLPSV has now resumed and hearings were held at the end of 2020. 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://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

Other Local Strategies or Publications

- 7.3 Other Strategies or publications material to the proposal are:

- RBWM Landscape Assessment

More information on these documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

6 occupiers were notified directly of the application.

The planning officer posted notices advertising the application at the site on 6th November 2020 and the application was advertised in the Local Press on 29th October 2020.

No letters of representation have been received.

Consultee responses, summarised:

Consultee	Comment	Where in the report this is considered
Parish Council	No objections. Replacement pipe is needed. The Arboricultural Development Report is robust. There is a loss of 2 trees but the stumps will be retained for diversity to wooded pond-edge.	9.4
Tree Officer	No objections subject to conditions in regard to tree protection and tree retention/replacement in accordance with submitted arboricultural report.	9.4 – 9.5
Berkshire Archaeology	No objections subject to a condition to undertake the works in accordance with the approved mitigation scheme.	9.22 – 9.24
Lead Local Flood Authority	No objections.	Noted.
Environment Agency	No comments.	Noted.
Highway Authority	No objections. The proposal raises no highway concerns.	Noted.
Ecology	Further surveys for reptiles and breeding birds are not required subject to a condition that the works are undertaken in accordance with a Construction Environmental Management Plan Further surveys in relation to Great Crested Newts (GCN) are required as it is likely that a licence for development works affecting GCN would need to be obtained from Natural England. There are GCN at Brewers Pond and the pipeline route would fall within 250m of this habitat. Recommend refusal on the grounds of insufficient information regarding the impacts of the proposal on GCN.	9.6 – 9.21

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Green Belt
- ii Trees
- iii Ecology, and
- iv Other material considerations

Green Belt

- 9.2 Paragraph 146 of the NPPF states that certain forms of development, (in addition to certain new buildings referred to in paragraph 145 of the NPPF), are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. These include engineering operations.
- 9.3 The laying of the proposed new pipeline, as set out in Section 5 above, is an engineering operation, which when installed will have no impact on the openness of the Green Belt, nor conflict with the purposes of including the land within it. Accordingly, the proposal is not inappropriate development in the Green Belt and the principle of development is acceptable.

Trees

- 9.4 The Council's Tree Officer has advised that the alignment of the proposed pipeline has been adjusted to avoid the Root Protection Areas (RPA) of trees as far as possible. Where the route encroaches within the RPA of retained trees, the potential adverse impacts have been minimised through the installation methodology. Only one tree, an Alder, is to be removed, a further laurel, considered a scrub, is also to be lost.
- 9.5 The Tree Officer has advised that there are no objections to the proposal subject to adherence to the submitted 'tree:fabrik Arboricultural Development Report, 'Ascot Racecourse Water Pipeline Project' dated October 2020, in full, together with conditions relating to tree protection and retention/replacement of retained trees.

Ecology

- 9.6 With regards to reptiles and nesting birds, although no further information has been provided on exactly where reptiles would be moved to, or whether there are likely to be nesting birds within marginal aquatic vegetation around the Great Pond, given the relatively small extent of the proposals on habitats (3 metres each side of the 45 cm trench) and the surrounding habitats as depicted on the phase 1 habitat maps, it seems likely that the proposed mitigation measures (which it is recommended would be secured via a planning condition for implementation of an approved Construction Environmental Management Plan (CEMP) for biodiversity) would be adequate to protect these species during works, and that enough suitable nearby habitat is available for their temporary dispersal. Further surveys for these species would therefore not be required in this case.
- 9.8 However, with regards to GCN, further survey work is still be needed, as it seems likely that a licence for development works affecting GCN would need to be obtained from Natural England before works could lawfully proceed.
- 9.9 Brewers Pond has been found to host GCN and it is surrounded by woodland and grassland which provide highly suitable terrestrial habitat for GCN. Currently the population size and status remains unknown, but it seems likely that there is a breeding population as a juvenile was observed on the golf course. Whilst GCN are largely active at night, it is not unknown for them to be active during the day also (and presumably it was day time when staff photographed the two individuals on the golf course). Dispersal routes to and from the pond, and whether these would be obstructed by the new pipeline during works, also currently remains unknown. Furthermore, section 5.8.2 of the GCN Mitigation Guidelines (the accepted industry standard) states:
- “there is ample evidence that newts often disperse a considerable distance from ponds, so it is for the surveyor to assess likely habitat use based on the available information. Even habitats which do not provide much food or cover, such as playing fields or car parks, may be traversed, so loss of these habitats may have impacts on dispersal. As a general guide, suitable habitats within 250m of a breeding pond are likely to be used most frequently.”
- 9.10 The pipeline route would fall within 250m of Brewer's Pond. The ecology report provided with this application states that a potential impact of the works is the

“Killing and/or injuring reptiles and great crested newt (GCN) that could be present in areas of dense and rank vegetation along the route”

9.11 It also seems highly likely that works would cause disturbance to GCN and potentially obstruct their dispersal routes to and from the pond and to resting places. In England it is illegal to:

- Intentionally or deliberately capture or kill, or intentionally injure great crested newts
- Deliberately disturb great crested newts or intentionally or recklessly* disturb them in a place used for shelter or protection
- Damage or destroy a breeding site or resting place
- Intentionally or recklessly damage, destroy or obstruct access to a place used for shelter or protection

The government’s (and Natural England’s) advice on mitigation licences states:

“You must apply for a mitigation licence if your work will have impacts on great crested newts (GCN) that would otherwise be illegal, such as:

- capturing, killing, disturbing or injuring them (on purpose or by not taking enough care)
- damaging or destroying their breeding or resting places (even accidentally)
- obstructing access to their resting or sheltering places (on purpose or by not taking enough care)”

9.12 Furthermore, Natural England’s Standing Advice for GCN states:

“developers should submit qualitative and quantitative information with their planning application on how their development avoids or mitigates for harm on GCN.

If there’s likely to be a negative effect on GCN, you should consider these factors to assess the site’s importance:

- the number and size of GCN population
- the nature of the population - for example, if the site includes a breeding area or is connected to other important populations
- how important the site is to the local and national GCN population, for example how near it is to a site of special scientific interest (SSSI) where GCN is a listed species”

9.13 In this case, this information has not been provided. Furthermore, the GCN Mitigation Guidelines state:

“A licence simply permits an action that is otherwise unlawful. A licence should be applied for if, on the basis of survey information and specialist knowledge, it is considered that the proposed activity is reasonably likely to result in an offence”

And:

“The developer and their advisor(s) share the responsibility for the following:

- Ensuring that they provide to Local Planning Authorities an accurate assessment of application sites, including surveys for great crested newts if their presence is suspected
- Applying for a licence to DEFRA **should mitigation be required”**

9.14 It therefore seems likely that in this case, where impacts to GCN are predicted (albeit low) a mitigation licence will be required which will need to be informed by further survey work. It should be noted that the Mitigation Guidelines actually use a scenario of temporary disturbance and destruction followed by replacement of habitat during installation of a pipeline as one of their examples of where mitigation, and therefore a mitigation licence, are required.

9.15 The Local Planning Authority has statutory obligations under the Habitat Regulations. This means that the Local Planning Authority needs to be satisfied that the proposals are likely to

meet the three tests of the Habitat Regulations (see below) and that a licence is not unlikely to be obtained from Natural England before they can issue planning permission.

9.16 A licence for development works affecting GCN (i.e. for derogation from the provisions of the Habitat Regulations) will likely need to be obtained before works which could impact upon GCN can commence. This involves submitting a licence application to Natural England with a detailed mitigation plan informed by surveys undertaken in accordance with national guidelines. In order to obtain such a licence, the SNCO must apply the requirements of the Regulations and, in particular, the three tests set out in sub-paragraphs 53(2)(e), (9)(a) and (9)(b). These are as follows:

(1) Regulation 53(2)(e) states that a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.

(2) Regulation 53(9)(a) states that the appropriate authority (the SNCO) shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.

(3) Regulation 53(9)(b) states that the appropriate authority (the SNCO) shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

9.17 Furthermore, paragraph 99 of the government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System (this document has not been revoked by the National Planning Policy Framework) states that:

“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.”

9.18 In this case, since 1) the extent to which GCN (which are a protected species) may be affected by the proposals has not been established, and 2) there appear to be no “exceptional circumstances”, the application would not be in accordance with the above planning policy. Furthermore, without understanding the size or status of the GCN population, or the extent to which it may be affected, it cannot be demonstrated that sufficient mitigation can be provided to ensure GCN are not harmed by the proposals and to maintain the favourable conservation status of GCN (and therefore it cannot be certain that a licence would be granted).

9.19 Further GCN surveys would therefore need to be undertaken to establish the size and status of the GCN population to be affected, the extent to which it could be affected, and to inform the GCN licence application. The results of the surveys (along with any mitigation) would need to be provided prior to the application being determined or the application would need to be refused on the grounds that insufficient information has been provided regarding the impacts of the proposals on GCN, which are a protected species and a material consideration in the planning process.

9.20 In response to the applicant has set out the following points:

- *The duration of the works is estimated to be 9 weeks only; of which 1 week for the Horizontal Directional Drilling (from Ascot Racecourse Reservoir to western edge of Golf Club); and 8 weeks for the remainder to the Great Pond via a 0.45m wide trench by 1.2m deep. The trench works is considered low impact to the landscape, which is predominantly within an active Golf Course that is already subject to regular landscape maintenance (such as grass cutting by tractors of similar size to what we are proposing to use for the works).*
- *As stated in the Construction Method Statement, all excavations will be backfilled before the end of each day with the exception of a 1m stretch at the furthest extent of that day's progress - this is*

so that works can continue from this point the following day. To prevent any risk to wildlife, this open excavation will be completely covered with boards securely weighted down to ensure there can be no ingress of wildlife to the excavation – thus minimising Great Crested Newts (GCN) for example from being trapped during the night.

- A team of professional ecologists with extensive experience of GCN survey and mitigation planning/implementation have assessed the potential impacts of the development on GCN and have verified that the proposed construction operations are highly unlikely to result in significant adverse impacts on GCN provided that construction operations are undertaken in a manner that is sensitive to the ecology of GCN;
- The potential development impacts on GCN are small-scale and temporary and can be adequately mitigated by adapting construction working practice to ensure negligible levels of risk to GCN;
- The project engineers have confirmed that the recommended mitigation approach (set out previously in a supplementary ecology report) is feasible to implement and could be made a condition of planning;
- In summary, implementation of the recommended mitigation strategy would result in no significant residual adverse risks to GCN and it would therefore not be proportionate or reasonable for the work to be implemented under the auspices of a Natural England development licence for GCN.
- Monitoring of GCN populations post development to confirm the continued presence of GCN within the Site could also be made a condition of planning.

9.21 In this case, having regard to the Local Planning Authority's statutory duties under the Habitat Regulations, it is recommended that the application be refused permission on the grounds of insufficient information regarding the impact of the proposal on Great Crested Newts. The proposal is contrary to paragraph 175 of the National Planning Policy Framework 2019 and adopted Policy NP/EN4 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan, 2014.

Other Material Considerations

9.22 Archaeology

The development proposals were submitted alongside an archaeological desk-based assessment, which found that there are potential archaeological implications associated with the proposed scheme.

9.23 The assessment found that there is potential for the proposals to impact deposits related to the construction and maintenance of a medieval dam, and that the site also has moderate potential to contain additional medieval and post-medieval archaeological features. Therefore, the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development.

9.24 The applicant has submitted a scheme of archaeological mitigation in the form of an archaeological watching brief which the Council's Archaeologist has advised is satisfactory. Accordingly, should permission be granted a condition should be imposed that the works are undertaken in accordance with the submitted watching brief.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is not CIL liable.

11. CONCLUSION

11.1 The proposal is for development that is not inappropriate in the Green Belt and would not adversely affect any trees. However, the site is located in an area known to host Great Crested

Newts (GCN) and, due to insufficient information, it has not been satisfactorily demonstrated that the proposal would not adversely impact GCN, which are a protected species. Accordingly, the proposal is contrary to paragraph 175 of the National Planning Policy Framework 2019 and adopted Policy NP/EN4 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan, 2014.

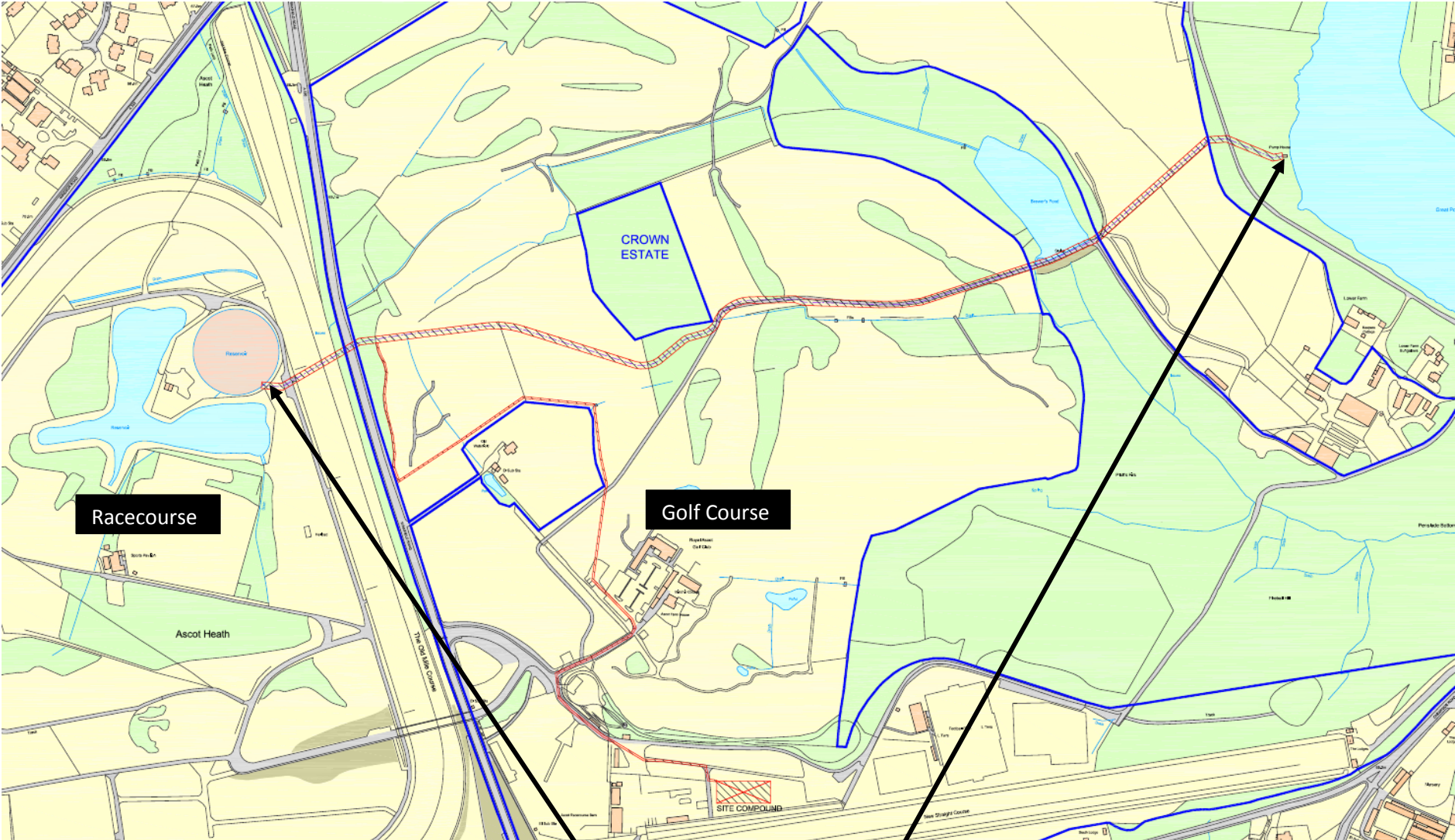
12. APPENDICES TO THIS REPORT

- Appendix A - Site layout and location plan

13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 Due to insufficient information it has not been demonstrated to the satisfaction of the Local Planning Authority that the proposal would not harm Great Crested Newts, which are known to be located in the vicinity of the application site and which are a protected species. Accordingly, the proposal is contrary to paragraph 175 of the National Planning Policy Framework 2019 and adopted Policy NP/EN4 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan, 2014.

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Extent of proposed pipeline

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Planning Appeals Received

7 January 2021 - 4 February 2021

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: Horton Parish
Appeal Ref.: 21/60001/REF **Planning Ref.:** 20/02132/FULL **PIns Ref.:** APP/T0355/D20/3263453
Date Received: 12 January 2021 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Single storey rear extension
Location: **211 Coppermill Road Wraysbury Staines TW19 5NW**
Appellant: Mr Mannie Bhui **c/o Agent:** Mr Richard Simpson 132 Brunswick Road London W5 1AW

Ward:
Parish: Wraysbury Parish
Appeal Ref.: 21/60002/REF **Planning Ref.:** 20/01480/FULL **PIns Ref.:** APP/T0355/W/20/3263425
Date Received: 14 January 2021 **Comments Due:** 18 February 2021
Type: Refusal **Appeal Type:** Written Representation
Description: Replacement dwelling and new boundary treatment following demolition of existing bungalow and garage.
Location: **16 Ouseley Road Wraysbury Staines TW19 5JA**
Appellant: Mr Amit Mukar **c/o Agent:** Mr Asim Hussain 15 Alleyn Park SOUTHALL Middlesex UB2 5QT

Ward:
Parish: Bray Parish
Appeal Ref.: 21/60003/ENF **Enforcement Ref.:** 16/50329/ENF **PIns Ref.:** APP/T0355/C/20/3262239
Date Received: 14 January 2021 **Comments Due:** 25 February 2021
Type: Enforcement Appeal **Appeal Type:** Written Representation
Description: Appeal against the Enforcement Notice: Without planning permission, the material change of use of the land from a mixed use comprising dwellinghouse and agricultural land (sue generis), to a mixed use comprising dwellinghouse and the sale and display for sale of motor vehicles (sue generis); which incorporates the formation of hardstanding, to facilitate the use of the sale and display for sale of motor vehicles, and the material change of use of an existing outbuilding from incidental residential use to an office use and without planning permission the erection of an outbuilding.
Location: **Citi Autos Land At Queen Acre Cottage Windsor Road Water Oakley Windsor**
Appellant: W OWEN **c/o Agent:** Mr Spencer Copping WS Planning And Architecture Europe House Bancroft Road Reigate Surrey RH2 7RP

Ward:
Parish: Eton Town Council
Appeal Ref.: 21/60004/ENF **Enforcement Ref.:** 20/50142/ENF **Plns Ref.:** APP/T0355/C/20/3264580
Date Received: 15 January 2021 **Comments Due:** 26 February 2021
Type: Enforcement Appeal **Appeal Type:** Public Inquiry
Description: Appeal against the Enforcement Notice: Without planning permission, the importation and distribution of materials, including but not limited to road plainings to facilitate the formation of a hard surface.
Location: **Farm House Crown Farm Eton Wick Road Eton Wick Windsor SL4 6PG**
Appellant: Sines Parks Ltd **c/o Agent:** Mr Matthew Green Green Planning Studio Ltd Unit D Lunesdale Shrewsbury Upton Magna SY4 4TT

Ward:
Parish: Waltham St Lawrence Parish
Appeal Ref.: 20/60035/ENF **Enforcement Ref.:** 17/50102/ENF **Plns Ref.:** APP/T0355/C/20/3264601
Date Received: 18 January 2021 **Comments Due:** 1 March 2021
Type: Enforcement Appeal **Appeal Type:** Written Representation
Description: Appeal against the Enforcement Notice: Without planning permission the material change of use of the land from a mixed use comprising residential and agricultural uses (sue generis) to a mixed use comprising residential use, agricultural use and the use of the land for the storage of motor vehicles (sue generis).
Location: **Beenhams Farm Beenhams Heath Shurlock Row Reading**
Appellant: Vernon James Neil Moss **c/o Agent:** Mr John Hunt Pike Smith And Kemp Rural And Commercial Ltd The Old Dairy Hyde Farm Marlow Road Maidenhead SL6 6PQ

Ward:
Parish: Shottesbrooke Parish
Appeal Ref.: 21/60005/ENF **Enforcement Ref.:** 18/50022/ENF **Plns Ref.:** APP/T0355/C/20/3264591
Date Received: 18 January 2021 **Comments Due:** 1 March 2021
Type: Enforcement Appeal **Appeal Type:** Written Representation
Description: Appeal against the Enforcement Notice: Without planning permission, the erection of an outbuilding for separate residential use.
Location: **Pondwood Farm Pondwood Lane White Waltham Maidenhead SL6 3SS**
Appellant: Michael John Peter Holdaway **c/o Agent:** Mr John Hunt Pike Smith And Kemp Rural Commercial Ltd The Old Dairy Hyde Farm Marlow Road Maidenhead SL6 6PQ

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 21/60006/REF **Planning Ref.:** 20/02169/FULL **Plns Ref.:** APP/T0355/D/20/3263911
Date Received: 19 January 2021 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Single storey side/rear extension.
Location: **86 Badger Close Maidenhead SL6 2TE**
Appellant: Mr Rahman **c/o Agent:** Mr Darragh Mc Adam 4D Planning 86 - 90 Paul Street 3rd Floor London EC2A 4NE

Ward:
Parish: Bray Parish
Appeal Ref.: 21/60007/REF **Planning Ref.:** 20/01879/FULL **Plns Ref.:** APP/T0355/D/20/3263030
Date Received: 21 January 2021 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: New outbuilding - retrospective.
Location: **Little Acre Ascot Road Holyport Maidenhead SL6 3LD**
Appellant: Dr Lakshmi Kanthan **c/o Agent:** Mr Joseph Oakden Savills (UK) Ltd 33 Margaret Street London W1G 0JD

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 21/60008/REF **Planning Ref.:** 20/01519/FULL **Plns Ref.:** APP/T0355/D/20/3264189
Date Received: 21 January 2021 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Single storey rear extension and x1 rear dormer.
Location: **9 Barn Close Maidenhead SL6 7HD**
Appellant: Mr Sangha **c/o Agent:** Mr Wouter De Jager De Jager Consulting 87 Farmers Way Maidenhead SL6 3PJ

Ward:
Parish: White Waltham Parish
Appeal Ref.: 21/60009/REF **Planning Ref.:** 20/00575/FULL **Plns Ref.:** APP/T0355/W/20/3263870
Date Received: 22 January 2021 **Comments Due:** 26 February 2021
Type: Refusal **Appeal Type:** Written Representation
Description: Part change of use of the first floor from Residential (C3) to Hair and Beauty treatment (A1) (Retrospective).
Location: **15 Breadcroft Road Maidenhead SL6 3PA**
Appellant: Ms Paula Aldridge 15 Breadcroft Road Maidenhead SL6 3PA

Ward:
Parish: Hurley Parish
Appeal Ref.: 21/60010/REF **Planning Ref.:** 20/01936/FULL **Plns Ref.:** APP/T0355/D/20/3266022
Date Received: 26 January 2021 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Two storey side/rear extension, 1x side and 1x rear dormer windows, and alteration to fenestration.
Location: **The Croft Shepherds Lane Hurley Maidenhead SL6 5NG**
Appellant: Mr Russell Haley **c/o Agent:** Mr Philip Alexander DMM Consultancy Ltd 12 The Crescent Maidenhead SL6 6AB

Ward:
Parish: Bray Parish
Appeal Ref.: 21/60011/REF **Planning Ref.:** 19/01755/FULL **Plns Ref.:** APP/T0355/W/20/3255844
Date Received: 29 January 2021 **Comments Due:** 5 March 2021
Type: Refusal **Appeal Type:** Hearing
Description: 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
Location: **Squires Garden Centre Maidenhead Road Windsor SL4 5UB**
Appellant: Bewley Homes Plc And Square Bay (no5) LLP **c/o Agent:** Miss Sarah Hockin 2 Charlotte Place Southampton SO14 0TB

Appeal Decision Report

7 January 2021 - 4 February 2021

Appeal Ref.: 17/60053/ENF **Enforcement Ref.:** 16/50097/ENF **Plns Ref.:** APP/T0355/C/18/3205490

Appellant: Mr Robert Johnston **c/o Agent:** Mr John A Andrews John Andrews Associates The Lodge 66 St Leonards Road Windsor Berkshire SL4 3BY

Decision Type: No Further Action **Officer Recommendation:** No Further Action

Description: Appeal against the Enforcement Notice: Without planning permission the material change in the use of the land from the keeping of horses for private recreational purposes comprising non-commercial DIY livery, functioning with a maximum of six horses and six stables, to a mixed use comprising of private stabling and commercial livery with ancillary activities including 'assisted' DIY livery, part livery, full livery, schooling, hacking, lessons, massage, grooming, clipping; and the formation of hardstanding, the erection of buildings and the siting of a metal container to facilitate the material change in the use of the land.

Location: **Fairview Stables Darlings Lane Maidenhead SL6 6PB**

Appeal Decision: Allowed **Decision Date:** 4 January 2021

Main Issue: The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the use of the land and buildings at Fairview Stables, Darlings Lane, Maidenhead, SL6 6PB, as shown on the plan attached to the notice, for a mixed use comprising of private stabling and commercial livery with ancillary activities including "assisted" DIY livery, part livery, full livery, schooling, hacking, lessons, massage, grooming, clipping; and the formation of hardstanding, the erection of buildings and the siting of a metal container to facilitate the material change in the use of the Land, subject to the conditions set out in the Schedule attached to this decision. The Inspector concluded that the development preserves Green Belt openness and accords with the purposes of including land in the Green Belt, hence it is not inappropriate development. It is in keeping with the rural character to the west of Darlings Lane and he is satisfied that, subject to conditions, it accords with the development plan for the area, read as a whole. The appeal on this ground therefore succeeds, and he granted planning permission on the deemed application.

Appeal Ref.: 19/60111/ENF **Enforcement Ref.:** 16/50097/ENF **Plns Ref.:** APP/T0355/C/19/3235815

Appellant: Mr Robert Johnston **c/o Agent:** Mr John Andrews John Andrews Associates 22 Harvest Hill Road Maidenhead Berkshire SL6 2QQ

Decision Type: No Further Action **Officer Recommendation:** No Further Action

Description: Appeal against the Enforcement Notice: 1. The use of the haystore as a tea room, kitchenette, office, washroom and rest room in breach of condition 9 of planning permission 425597. 2. The use of surfaced 'open' areas for the erection of buildings and open storage in breach of condition 10 of planning permission 425597.

Location: **Fairview Stables Darlings Lane Maidenhead SL6 6PB**

Appeal Decision: Withdrawn **Decision Date:** 4 January 2021

Main Issue: The Inspector concluded that he would not be able to grant permission for the current mixed use, nor could he grant permission for a use of the haystore for anything that entailed a material change of use of the land. But in any case, since planning permission has already been granted on Appeal A for a different development, it would be utterly pointless to determine this ground (a) appeal. The Appeal A permission acts to nullify the effect of the Appeal B notice so far as the requirements are inconsistent with it, hence the notice is now of no practical effect in any case.

Appeal Ref.: 20/60029/ENF **Enforcement Ref.:** 17/50006/ENF **Plns Ref.:** APP/T0355/C/19/3224014

Appellant: Haulfryn Group Ltd **c/o Agent:** Miss Amy Cater Tozers LLP North Door Broadwalk House Southernhay West Exeter EX1 1UA

Decision Type: **Officer Recommendation:**

Description: Appeal against the Enforcement Notice: Non-compliance with Condition 1 of planning permission 91/01625/FULL (continued use of riverbank for thirty-three residential and leisure boat moorings).

Location: **The Willows Riverside Park Club Maidenhead Road Windsor SL4 5TQ**

Appeal Decision: Dismissed **Decision Date:** 25 January 2021

Main Issue: The Inspector came to the conclusion that condition 1 of 91/01625/FULL is necessary to protect the Green Belt and the character and setting of the River Thames. Whilst the Inspector agreed that Haulfryn 1 was capable of navigation and that it had an integral means of propulsion. She did not accept that the vessel, in the context of condition 1, could be considered as a houseboat. The corrected enforcement notice was upheld and the deemed application refused. The partial and full application for costs made by the appellant, was also dismissed.

Appeal Ref.: 20/60084/REF **Planning Ref.:** 20/00977/FULL **Plns Ref.:** APP/T0355/W/20/3257386

Appellant: Mr S Marston **c/o Agent:** Mr Andy Meader Pegasus Group Colombia Station Road Bracknell Berkshire RG12 1LP

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

Description: Erection of a new dwelling following demolition of existing dwelling and outbuilding.

Location: **63 The Avenue Wraybury Staines TW19 5EY**

Appeal Decision: Dismissed **Decision Date:** 3 February 2021

Main Issue: The proposal would introduce a replacement dwelling that would be materially larger than the building it replaces. It would represent inappropriate development within the Green Belt when assessed against paragraph 145 (d) of the NPPF and adopted LP policies. In both spatial and visual terms the proposal would have a greater impact on the openness of the Green Belt than the existing situation, contrary to the Framework where it states an essential characteristic of Green Belts are their openness. Considering the substantial weight and national importance to protecting the Green Belt, all the considerations that weigh in favour of the proposal, do not clearly outweigh the identified harm to the Green Belt to amount to the very special circumstances necessary to justify the development.

Appeal Ref.: 20/60091/REF **Planning Ref.:** 19/03351/FULL **Plns Ref.:** APP/T0355/W/20/3260273

Appellant: Beechcroft Developments Ltd **c/o Agent:** Mr Christopher Colloff Savills (UK) Ltd Unit 5 Napier Court Napier Road Reading RG1 8BW

Decision Type: Committee **Officer Recommendation:** Application Permitted

Description: Redevelopment of the former Thames Hospice to provide a retirement housing development of x45 dwellings comprising x3 two-storey terraced houses, x4 two-storey semi-detached houses, x2 2.5-storey apartment blocks and x1 three-storey apartment block with associated parking, car port, landscaping, refuse stores and cycle stores, following demolition of the existing building.

Location: **Thames Hospicecare Pine Lodge Hatch Lane Windsor SL4 3RW**

Appeal Decision: Dismissed **Decision Date:** 27 January 2021

Main Issue: The Inspector concluded that buildings A and B would have a considerable plan depth which would not be relieved by either the massing or detailing in the above elevations. The buildings' expanse would be readily apparent from the footpath from Hatch Lane to Longbourn. There would not be sufficient space around the buildings to offset their apparent bulk and therefore buildings A and B as designed would appear cramped. Due to the height of tree (T20) it would overshadowed aspect of the proposed dwellings and gardens, which would lead to pressure for pruning, which would impair the stature and prospects of the tree. The benefits of housing provision in an accessible location that would meet needs for specialist housing would not outweigh harm to character and appearance of the area, and protection of significant trees.

Appeal Ref.: 20/60092/REF **Planning Ref.:** 20/01440/FULL **Plns Ref.:** APP/T0355/D/20/3259966

Appellant: Mr A Chaudhri **c/o Agent:** Mr Sam Dodd Authorised Designs Ltd Bacchus House Ley Hill Chesham Buckinghamshire HP5 1UT

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

Description: First floor side/rear extension with mono pitch roof to the existing ground floor front element, part two storey part first floor side/rear extension and alterations to fenestration.

Location: **12 Bray Court Maidenhead SL6 2DR**

Appeal Decision: Allowed **Decision Date:** 8 January 2021

Main Issue: The proposals would represent an appropriate form of development within the street scene of Bray Court such that the resultant enlarged dwelling would not be a dominant, obtrusive or cramped feature. The proposed development would therefore not cause unacceptable harm to the character and appearance of the surrounding area. As such it would accord with policies DG1 and H14 of the Local Plan. It would also accord with Section 12 of the National Planning Policy Framework which relates to achieving well-designed places.
