

NOTICE
OF
MEETING

**WINDSOR AND ASCOT DEVELOPMENT
MANAGEMENT COMMITTEE**

will meet on

WEDNESDAY, 1ST DECEMBER, 2021

At 7.00 pm

by

GREY ROOM - YORK HOUSE AND ON [RBWM YOUTUBE](#)

TO: MEMBERS OF THE WINDSOR AND ASCOT DEVELOPMENT MANAGEMENT COMMITTEE

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

SUBSTITUTE MEMBERS

COUNCILLORS KAREN DAVIES, LYNNE JONES, HELEN PRICE, CAROLE DA COSTA, DAVID HILTON, SAYONARA LUXTON, JOHN STORY, GARY MUIR AND SAMANTHA RAYNER

Karen Shepherd – Head of Governance - Issued: 23rd November 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 **Oran Norris-Browne** Oran.Norris-Browne@RBWM.gov.uk

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.	<p><u>APOLOGIES FOR ABSENCE</u></p> <p>To receive any apologies for absence.</p>	-
2.	<p><u>DECLARATIONS OF INTEREST</u></p> <p>To receive any declarations of interest.</p>	5 - 6
3.	<p><u>MINUTES OF PREVIOUS MEETING</u></p> <p>To approve the minutes of the meeting held on the 3rd November 2021 as a true and accurate record.</p>	7 - 8
4.	<p><u>20/02166/FULL - LAND AND LAKES EAST OF RAILWAY AND WEST AND NORTH OF DATCHET PUMPING STATION - HORTON ROAD - DATCHET - SLOUGH</u></p> <p>PROPOSED: <i>Construction of a detached two storey building to support the proposed use of land (and lakes) for sport and recreational purposes, new e-bike circuit and associated parking and landscaping following the demolition of existing structures.</i></p> <p>RECOMMENDATION: PERMIT</p> <p>APPLICANT: Step Property Ltd</p> <p>MEMBER CALL-IN: N/A</p> <p>EXPIRY DATE: 11th October 2021</p>	9 - 44
5.	<p><u>21/01721/FULL - SUNNINGDALE PARK - LARCH AVENUE - ASCOT - SL5 0QE</u></p> <p>PROPOSED: <i>The redevelopment of part of the Sunningdale Park estate including the erection of new buildings to provide 96 homes (Class C3), conversion of 3x market dwellings to shared ownership in Mackenzie House alongside associated internal access roads, parking, landscaping, footpaths, drainage, provision of 19 hectares of SANG and other associated works.</i></p> <p>RECOMMENDATION: PERMIT</p> <p>APPLICANT: Mr Hill</p> <p>MEMBER CALL-IN: N/A</p> <p>EXPIRY DATE: 8th September 2021</p>	45 - 80

6.	<u>21/02302/OUT - LAND FRONTING NORTH BANK OF THAMES AND ACCESSED BETWEEN 66 AND 68 WRAYSBURY ROAD - STAINES</u>	81 - 104
	<p>PROPOSED: <i>Outline application for a river boat slipway and dry dock including a dock manager's first floor apartment for security, with all matters reserved.</i></p>	
	<p>RECOMMENDATION: REFUSE</p>	
	<p>APPLICANT: Mr French</p>	
	<p>MEMBER CALL-IN: N/A</p>	
	<p>EXPIRY DATE: 6th December 2021</p>	
7.	<u>PLANNING APPEALS RECEIVED AND PLANNING DECISION REPORT</u>	105 - 108
	<p>To note the contents of the report.</p>	

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MEMBERS' GUIDE TO DECLARING INTERESTS AT 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 Disclosable Pecuniary Interest (DPI) or Other Registerable 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.

Any Member with concerns about the nature of their interest should consult the Monitoring Officer in advance of the meeting.

Non-participation in case of Disclosable Pecuniary Interest (DPI)

Where a matter arises at a meeting which directly relates to one of your DPIs (summary below, further details set out in Table 1 of the Members' Code of Conduct) you must disclose the interest, **not participate in any discussion or vote on the matter and must not remain in the room** unless you have been granted a dispensation. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted by the Monitoring Officer in limited circumstances, to enable you to participate and vote on a matter in which you have a DPI.

Where you have a DPI on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

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 (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her 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 council.
- Any licence to occupy land in the area of the council for a month or longer.
- Any tenancy where the landlord is the council, and the tenant is a body in which the relevant person has a beneficial interest in the securities of.
- Any beneficial interest in securities of a body where:
 - a) that body has a place of business or land in the area of the council, 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.

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (summary below and as set out in Table 2 of the Members Code of Conduct), you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

Other Registerable Interests (relating to the Member or their partner):

You have an interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority*
- b) any body*
 - (i) exercising functions of a public nature*
 - (ii) directed to charitable purposes or*

one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Disclosure of Non- Registerable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a DPI) or a financial interest or well-being of a relative or close associate, you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer) you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a body included in those you need to disclose under DPIs as set out in Table 1 of the Members' code of Conduct

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter **affects** your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer, you do not have to disclose the nature of the interest.

Other declarations

Members may wish to declare at the beginning of the meeting any other information they feel should be in the public domain in relation to an item on the agenda; such Member statements will be included in the minutes for transparency.

Agenda Item 3

WINDSOR AND ASCOT DEVELOPMENT MANAGEMENT COMMITTEE

WEDNESDAY, 3 NOVEMBER 2021

PRESENT: Councillors David Cannon (Chairman), John Bowden (Vice-Chairman), Christine Bateson, Shamsul Shelim, Wisdom Da Costa, Jon Davey, Karen Davies and Gary Muir

Also in attendance: Councillor Helen Price

Officers: Sian Saadeh, Shilpa Manek and Jo Richards

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Sharpe and Tisi. Councillors Muir and Davies were substituting.

DECLARATIONS OF INTEREST

No declarations of interest received.

MINUTES OF PREVIOUS MEETING

RESOLVED UNANIMOUSLY: that the minutes of the last meeting on 6 October 2021 were a true and accurate record.

This was proposed by Councillor Bowden and seconded by Councillor Shelim.

21/01954/FULL - KINGS COPSE HOUSE - ST LEONARDS HILL - WINDSOR - SL4 4AL

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

A named vote was taken.

21/01954/FULL - Kings Copse House - St Leonards Hill - Windsor - SL4 4AL (Motion)	
Councillor David Cannon	For
Councillor John Bowden	For
Councillor Christine Bateson	For
Councillor Shamsul Shelim	For
Councillor Wisdom Da Costa	For
Councillor Jon Davey	Against
Councillor Karen Davies	No vote recorded
Councillor Gary Muir	No vote recorded
Carried	

RESOLVED: that the application be approved, as per the Officer recommendation.

The Panel were addressed by Mr Kerry Black, objector, Ms K Joseph, applicant and Councillor Helen Price.

21/02144/OUT - LAND AT 19 AND 19 OLD FERRY DRIVE - WRAYSBURY – STAINES

A motion was put forward by Councillor Da Costa to refuse the application as per Officers recommendation for the reasons listed in the report and section 13 of the main report and the two additional reasons for refusal set out in the panel update. This was seconded by Councillor Davies.

A named vote was taken.

21/02144/OUT - Land At 19 And 19 Old Ferry Drive - Wraysbury - Staines (Motion)	
Councillor David Cannon	Against
Councillor John Bowden	Against
Councillor Christine Bateson	Abstain
Councillor Shamsul Shelim	Against
Councillor Wisdom Da Costa	For
Councillor Jon Davey	For
Councillor Karen Davies	For
Councillor Gary Muir	Against
Rejected	

The motion fell.

A second motion was put forward by Councillor Cannon to defer the application to allow officers to gather further information about flood risk. This was seconded by Councillor Muir.

A named vote was taken.

21/02144/OUT - Land At 19 And 19 Old Ferry Drive - Wraysbury - Staines (Motion)	
Councillor David Cannon	For
Councillor John Bowden	For
Councillor Christine Bateson	For
Councillor Shamsul Shelim	For
Councillor Wisdom Da Costa	Against
Councillor Jon Davey	Against
Councillor Karen Davies	Against
Councillor Gary Muir	For
Carried	

RESOLVED: that the application be deferred to allow officers to gather further information on flood risk.

The Panel was addressed by Mr Alan Gunne-Jones, Applicant.

PLANNING APPEALS RECEIVED AND PLANNING DECISION REPORT

The Panel noted the reports.

The meeting, which began at 7.05 pm, finished at 8.45 pm

CHAIRMAN.....

DATE.....

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

1 December 2021

Item: 1

Application No.:	20/02166/FULL
Location:	Land And Lakes East of Railway And West And North of Datchet Pumping Station Horton Road Datchet Slough
Proposal:	Construction of a detached two storey building to support the proposed use of land (and lakes) for sport and recreational purposes, new e-bike circuit and associated parking and landscaping following the demolition of existing structures.
Applicant:	Step Property Ltd
Agent:	Mr Thomas Rumble
Parish/Ward:	Datchet Parish/Datchet Horton And Wraysbury
If you have a question about this report, please contact: Vivienne McDowell on 01628 796578 or at vivienne.mcdowell@rbwm.gov.uk	

1. SUMMARY

- 1.1 The new building is considered appropriate development in Green Belt as it is for the provision of facilities (in connection with the existing use of land or change of use) for outdoors sport, would preserve the openness of the Green Belt and would not conflict with the purposes of the Green Belt. The building is not considered to be unnecessarily large for the proposed use. The building would be a floodable structure with voids in the sides. The Environment Agency has raised no objection in terms of the loss of flood storage capacity.
- 1.2 The proposed paddle boarding on the southern lake and the e-bike circuit with limited numbers attending at any one time, which are both prohibited from occurring during the winter months (October- March inclusive), are considered to be acceptable. These new uses would be low intensity uses which would not result in harm to the Green Belt, Trees, Ecology, the SPA and nearby properties. There is no objection to the continuation of the northern lake for fishing purposes.
- 1.3 The proposed development would provide sufficient on-site parking facilities. The proposed landscape works are also considered to be acceptable.

It is recommended the Panel grants planning permission with the conditions listed in Section 13 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 application site lies to the west of Horton Road (B376) adjacent to the Thames Water Pumping Station. The site area comprises 11.35 hectares and includes two lakes and open grassland. The lakes are currently used by an angling club. To the south of the application site lies Liquid Leisure Waterpark. Residential properties lie to the north of the site and a caravan park lies to the west. The western boundary of the site adjoins a railway line. On the opposite side of the railway at the southern corner of the site, are houses in The Avenue, Wraysbury.
- 3.2 There is a public footpath which runs along the southern boundary of the site.
- 3.3 Since January 2018, a mobile home has been sited at the front of the site close to Horton Road. This is understood to be for security purposes. In addition, a portable building has also been sited close to the northern boundary of the site and is being used for facilities in association with the anglers and includes a café and toilets.

4. KEY CONSTRAINTS

- 4.1 The site is situated within the designated Green Belt and within the flood plain (zone 3b and 3a). The site also lies within Datchet Common and Gravel Pits Local Wildlife Site (LWS). The site has been identified for its ornithological interest and has many records of birds of conservation concern associated with it.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal is for construction of a detached two storey building to support the proposed use of land (and lakes) for sport and recreational purposes, a new e bike circuit and associated parking and landscaping following the demolition of existing structures (mobile home, portacabin, container and shed). The southern lake is proposed to be used for paddle boarding, the e-bike circuit would be situated between the 2 lakes and the northern lake would continue to be used for fishing.
- 5.2 The proposal includes the erection of a 2- storey building with a pitched roof. The applicants have submitted amended plans received 10th November 2021 (PL106E and PL105F) which show a 500 mm reduction in the ridge height of the originally submitted plans and a 300mm reduction in eaves height. This has been achieved by reducing the floor to ceiling height of the ground floor and reducing the angle of the roof pitch. The proposed building (as amended) would be 7.5 metres tall to the ridge, and 5.5 metres tall to the eaves. It would be approximately 15.6 metres in length and 9 metres width. There would be 2 no. external staircases – 1 no. located on each end of the building.
- 5.3 The proposal also includes on-site parking facilities and landscaping.
- 5.4 The planning history of the site is set out as follows:

17/03938/FULL	Erection of equipment and maintenance store, together with car parking associated with proposed sport and recreation facilities.	Refused on Green Belt grounds, Flood Risk, Biodiversity, impact on character of the area, insufficient information to assess impact on residential amenity
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16/03292/FULL	Erection of building for storage, office, café, shower's and w.c's, provision of parking spaces, ten cable ski poles and construction of access drive.	Refused on Green Belt grounds, Flood Risk, Biodiversity, impact on character of the area, insufficient information to assess impact on residential amenity and trees.
07/02900/FULL	Change of use of land at rear of pumping station to car parking including new drive and entrance gates.	Permitted – condition 4 states that development permitted shall enure only for the benefit of intertype angling society for as long as intertype angling society shall occupy land and shall not enure for the benefit of land.
00/79403/FULL	Change of use of land at rear of pumping station to car park	Permitted – condition 3 states that development shall enure only for the benefit of intertype angling society.

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
Green Belt	GB1, GB2
Highways	P4 and T5
Flood risk	F1
Nature conservation	N9
Amenity	NAP3
Trees	N6
Archaeology	ARCH 2

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) (2021)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

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

Section 15- Conserving and enhancing the natural environment

Borough Local Plan: Main Modifications Version (July 2021)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3,
Rural development	QP5
Manages flood risk and waterways	NR1
Impact on Trees	NR3
Makes sustainable provision for infrastructure	IF2
Nature conservation	NR2
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4

- 7.1 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

*“a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

- 7.2 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. 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 were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector’s post hearings advice letter was received in March 2021. The consultation on the main modifications has now closed.
- 7.3 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF.

These documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

Supplementary Planning Documents

- RBWM Interpretation of Policy F1
- RBWM Borough Wide Design Guide

Other Local Strategies or Publications

7.4 Other Strategies or publications material to the proposal are:

- RBWM Landscape 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

34 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 10th September 2020 and the application was advertised in the Maidenhead Adviser on 3rd September 2020.

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

Comment	Where in the report this is considered
1. The site has been designated as a Local Wildlife Site in order to preserve significant local wildlife. The noise of cars, people and the new bike circuit, as well as any water sports or activities, would have a detrimental effect on the wildlife population and disrupt nesting and feeding.	See paragraphs 9.65-9.80
2. This land is a Local Wildlife Site in the green belt and flood plain and for those reasons it is believed that the proposed development is inappropriate in this area. Permitting this development would be incompatible with the Borough's policy and the new proposed Climate Change strategy to protect and enhance our natural environment and to ensure biodiversity net gain through the planning system.	See paragraphs 9.2-9.28
3. This Local Wildlife Site is an important 'stepping stone' between the Thames and land at Southlea to the Local Wildlife Site at the Reservoir and Colne Valley Regional Park. We should be protecting our Local Wildlife Sites not developing them.	See paras 9.65-9.80
4. The site is in the Green Belt. The presence of a two storey building would destroy the open character of the land, as would the presence of cars, vans, lorries and trailers which would come as a result of the new attractions.	See paragraphs 9.2- 9.28

5.	The site is in the flood plain and would create a loss of flood plain storage.	See paragraphs 9.29 -9.48
6.	Nearby the site is one of the 'largest water sport facilities in Europe'. Therefore the area is well served with this kind of recreation and the local population has no need of it.	Need is not considered to be a relevant consideration in this case..
7.	It will attract extra cars and Datchet already has congestion problems. Development will create considerable additional vehicle movements to and from the proposed car park on this site at the 40mph section of Horton Road. This road suffers alternately from speeding traffic and congestion depending on the time of day.	See paragraphs 9.49 -9.54

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	<p>No objections raised to the amended plans showing voids on all sides of the new building.</p> <p>The EA has advised about the application of the sequential test and safe/low hazard means of escape.</p> <p>Conditions suggested regarding provision of voids in the building and also a condition regarding submission of details relating to ecology</p>	<p>See paragraphs 9.29 -9.48 below.</p> <p>A condition regarding voids is to be included. See Condition 12 in Section 13.</p> <p>The Council's Ecologist's condition fully captures the EA requirements. See Condition 7 in Section 13.</p>
Natural England	<p>NE have had the chance to review the (Council's) draft Habitat Regulation Assessment (HRA) and are not yet in agreement with the conclusions that no likely significant effect on the SPA wintering birds can be ruled out. Many of the conditions go some way to allaying our concerns, but NE would advise an additional condition that the new activities (paddleboarding, e-biking) should not take place in the winter months. This should be from October to March inclusive.</p> <p>Paddleboarding has the potential to cause disturbance to the birds, as well as the e-bikes' close proximity to the lake edges and the associated public announcement system. If a winter condition were to be attached to the planning application, Natural England would have no further cause for concern. Until that time, NE maintain their objection.</p>	<p>The application site is situated to the east of the South West London Waterbodies Special Protection Area (SPA) & Ramsar Site. The Wraysbury Gravel Pits Site of Special Scientific Interest is 0.68 km to the South East.</p> <p>The applicant is agreeable to a condition to prevent paddle boarding and e-biking from October to March inclusive. Therefore, a condition will be included to ensure no paddle boarding or e-biking activities during these winter months.</p> <p>See paragraphs 9.81 -9.83 of the main report below and condition no.24 in section 13.</p>

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Consultees and other groups

Consultee	Comment	Where in the report this is considered
Parish Council	<p><u>Datchet Parish Council:</u></p> <p><u>Objection</u></p> <p>The main concern is on flooding and the impact of reduced natural drainage in Flood zone 2 & 3. The amount of parking allocated would increase hard standing and reduce natural drainage in an area that is prone to annual flooding.</p> <p>Has any assessment done to support the number of proposed bays - cannot see any evidence for the need.</p> <p>This site sits on Green Belt land within the historic and picturesque village of Datchet. Due consideration should be made for the need to lose Green Belt for any purpose, but for a use without a need would be a local concern:</p> <p>This particular site is listed as a wildlife site and protection of the biodiversity of this site should be given more weight.</p> <p>Attention is drawn to point 1.2 of the Highways comments where it states: "The proposal locates in Datchet, at approximately 1.5 km from the closest train station. Therefore, the development is considered to be in a poor accessibility location."</p> <p>There is no evidence on the benefits to the local community or outside visitors attending by any public transport links. Therefore, the need for this proposed use without public transport links is questioned.</p> <p>If planning was granted, we would like to request that conditions should be added to protect local residents and restrict or control the following:</p> <p>1. Controlled movements to and off the site to support residents living close by.</p>	<p>See paragraphs 9.2 – 9.80 below</p> <p>See conditions in Section 13.</p>

	<p>2. Re. Noise concerns - restrictions and limits set to supply protection to local residents</p> <p>3. Strong controls imposed to maintain the development to the agreed plans approved and any changes should be referred back to the Parish Council for local input. Or overseen by the local authority to maintain the development within the application.</p> <p>4. This area sits directly on one of the main access routes into the historic village of Datchet and views should be protected.</p>	
Environmental Protection	<p>No objections. Conditions have been recommended by EP regarding:</p> <ul style="list-style-type: none"> - the control of industrial and commercial noise, -prohibiting the use of tannoys and other noisy activity. -submission of a scheme for the minimisation of the effects of artificial light on nearby properties. -construction site working hours. <p>Collections during construction and demolition.</p> <p>Informatives have been recommended regarding;</p> <ul style="list-style-type: none"> -Smoke control -Dust control 	<p>Conditions will be imposed as suggested, regarding noise controls, use of tannoys and submission of a lighting scheme.</p> <p>See Conditions 5, 14,17</p> <p>As disturbance and noise caused by working hours and collection times can investigated and be controlled by separate Environmental Protection Legislation (under Statutory Nuisance), these can be dealt with via an Informative rather than planning condition.</p> <p>Informatives advising about smoke and dust control will also be included – see Section 13..</p>
Tree Officer	<p>No objections raised. Conditions recommended regarding:</p> <ul style="list-style-type: none"> -Tree Retention/Replacement. -Tree Protection – Details to be submitted. -Landscaping Scheme – Implemented as approved. 	<p>See paragraphs 9.55 -9.59 below.</p>
Council's Ecologist	<p>Recommends a number of conditions.</p>	<p>See paragraphs 9.65 -9.80 below and conditions 5,6,7,8 in Section 13 below.</p>
Berkshire Archaeology	<p>The site is within an area where there are potential archaeological implications associated with this proposed scheme.</p>	<p>See paragraphs 9.62- 9.64 below.</p> <p>See Condition 3 in Section 13.</p>

	A condition has been recommended to secure a programme of archaeological work and written scheme of Investigation	
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9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Green Belt
- ii Flooding
- iii Highways and parking
- iv Trees
- v Impact on neighbours
- vi Archaeology
- vii Ecology
- i. Green Belt

9.2 There is an existing mobile home, container, shed and portacabin which are all shown for removal from the site. These structures have a total floorspace of approximately 97 sq metres.

9.3 The proposal includes the erection of a two storey building (and removal of the above-mentioned buildings). The proposed building would be 7.5 metres tall to the ridge, and 5.5 metres tall to the eaves. It would be approximately 15.6 metres in length and 9 metres width. There would be 2 no. external staircases – 1 no. located on each end of the building. The proposed building would be finished in stained timber, with a zinc standing seam roof. There would be one door in the first floor elevation facing Horton Road, a large first floor window in the elevation facing into the site, but no windows in the side elevations of the building. Small roof lights are proposed in the side elevations. The new building would be sited on an area of existing grass.

9.4 The ground floor would be used for storage of equipment. Items to be stored include: E-bikes, paddle boards, wetsuits, helmets, life jackets, buoyancy aids, fishing equipment. There would also be charging areas for E-bikes provided on the ground floor. The building would provide secure storage for a minimum of 15 e-bikes and 12 paddle boards. These items to be stored, in particular the e-bikes and paddle boards are high value and need a secure storage area.

9.5 On the first floor there would be a clubhouse (52 sq metres), small kitchen (7 sq m) changing rooms and toilets (2 each for male and female) and a disabled changing and toilet. There would be a lift within the building. The new building and new car parking areas would be sited on an existing grassed area.

9.6 The proposed building would be set back from the boundary with Horton Road by some 28 metres. Landscaping is proposed along the Horton Road frontage and there is an

existing hedgerow along the boundary. The building would be separated from the rear elevation of the nearest house (at 1 Mill Place), by a gap of approximately 43 metres.

- 9.7 The site is currently used as an angling club and within the site there are 2 no. lakes and area of grassland between. The site thus has an existing recreational use. The opening hours are for the fishing lakes are currently 6.30am until 8pm (Mon – Fri) and 7am until 8pm on Sunday.
- 9.8 With this current proposal, the northern lake would continue be used for angling and fishing purposes, whilst the southern lake would become used for paddle boarding purposes. A proposed E-bike circuit would be located in between the lakes. This would be grassed, with hay bales, ropes and posts and plastic cone used to mark the circuit layout.
- 9.9 The Planning Statement advises that at present approx.. 180 anglers visit the site per week in high season. It is understood that there is no permanent location for welfare purposes or storage facilities on the site for angling equipment.
- 9.10 Regarding the proposed paddle boarding, 40 people are anticipated to visit the site on a daily basis during peak times. The ecology management document advises that there would be a maximum of 12 paddle boards allowed on the lake at any one time and paddle boarders would be required to enter and leave the lake at designated signposted points. The paddle boarding will take place between 10am until dusk. There would be a minimum of 12 boards kept at the site (within the new building).
- 9.11 The proposed E-bike circuit would not include any jumps or excavation work. Hay bales, safety cones, ropes and posts would define the layout of the circuit. For health and safety reasons no more than 4 bikes would be allowed on the circuit at any one time. There would need to be marshals at the side of the circuit when in use. It is anticipated that at peak times there would be 8 bikers at the site an hour. The e-biking would take place between the hours of 10am until dusk.
- 9.12 The proposal involves new areas of hard surfacing for parking spaces adjacent to the new building and new sections of driveway. Landscaping including tree, shrub and aquatic planting is proposed as well as biodiversity enhancements. In terms of the economy, the proposed development would provide 17 full time jobs.
- 9.13 The site lies within the Green Belt and the NPPF confirms that the essential characteristics of Green Belts are their openness and permanence. Paragraph 149 of the NPPF (2021) states that the construction of new buildings is inappropriate development in Green Belt with exceptions. One of these exceptions includes: ‘the provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoors 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’. Local Plan policy GB1 and GB2(a) is broadly in line with the NPPF, but as the NPPF post-dates the Local Plan the NPPF is more up-to-date and given greater weight.
- 9.14 The main test is whether the new building would constitute appropriate facilities for outdoor sport and recreation. To meet this test the facilities should reasonably relate to the main outdoor sports recreation use in terms of function and scale. There has to be a clear link between the proposed facilities and the proposed outdoor sport/recreation use; furthermore, the scale and function of the proposed facilities is also an important determining factor as to whether the proposal is appropriate in the Green Belt.

- 9.15 In terms of 'actual' openness, the judgement of *Europa Oil & Gas Ltd v Secretary of State for Communities and Local Government* (2014) confirms that the mere presence of development where there is currently no development should not be taken as a breach of the proviso of preserving openness. A broader interpretation of the preservation of openness should therefore be applied. Case law has established that openness is capable of having both spatial and visual aspects.
- 9.16 In this case, given the set back of the proposed building from Horton Road, its design and finishing materials, and the domestic proportions of the building, it is considered that the visual impact would be minimal and the openness of the Green Belt would be preserved. The removal of the existing structures on site is conditioned to ensure that the openness of the Green Belt is preserved. It is not considered that the single proposed building would result in the urbanisation of the site nor conflict with the purposes of the Green Belt.
- 9.17 The LPA therefore considers that the currently proposed building is appropriate in the Green Belt. The LPA is also satisfied that there would not be any superfluous floorspace which does not reasonably relate to the proposed outdoor sports/recreation use (angling, paddle boarding and e-biking), in terms of function and scale. Moreover, it is considered acceptable in terms of the impact the building would have on the character and appearance of this rural location.
- 9.18 It is noted that on the previous application there was concern about the size of the proposed building; and part of the reason for refusal on the previous application 17 was: that *'The proposed building, by virtue of its size, siting and design would appear unduly prominent and obtrusive when viewed from the road and would detract from the character and appearance of the site itself and the locality in general.'*
- 9.19 It is noted that the previously proposed building (although single storey) occupied a much larger footprint of 400 sq metres, compared with the currently proposed building with a footprint of 139.5 sq metres. Therefore, the currently proposed building is a third of the size of the footprint of the previously proposed building. It is also noted that existing structures (containers, mobile home and shed) are to be removed have a total floor area of approximately 97 sq metres. It is noted that these may not be authorised, but they currently have an impact on the openness of the Green Belt.
- 9.20 In terms of height comparison, the previously proposed building was 5.5 metres in height to the ridge and 3.7m to the eaves. It is acknowledged that the currently proposed building would be taller with a height of 7.5 metres to the ridge, and 5.5 metres tall to the eaves; however it would be set further away from the front boundary than the previously proposed building and together with the much reduced footprint and consolidated form it is considered that the proposed building is acceptable (both in terms of openness of the Green Belt and impact on the character of the rural area).
- 9.21 In summary, and as mentioned above, the LPA is satisfied that the proposed building is appropriate in the Green Belt and acceptable in this rural locality. Additionally, its scale and function relate satisfactorily to the proposed outdoor recreational uses on the site, namely of angling, paddle boarding and e-biking.

- 9.22 With the previous application 17/03938 (refused permission) there was concern that the proposal could result in a material intensification in the level of activity which would result in a material change in the use of the site and would be inappropriate in the Green Belt - contrary to policies GB1 and GB2 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and guidance contained in the National Planning policy Framework. It is noted that the previous application proposed an aqua park, football pitches and the use of the site for triathlon training and events – far more intensive and extensive uses than the current proposals (of angling, paddle-boarding and e-biking). There was also concern about the level of activity which could also result in overflow car parking both on and off the site which would also be detrimental to the character and visual amenity of the site itself and locality in general.
- 9.23 Paragraph 150 of the NPPF (2021) states: 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. These include are:
- b) engineering operations;
 - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- 9.24 As this current application proposes the continuation of angling at the site and the introduction of relatively low key paddle boarding and e-biking activities, it is considered that it would be difficult to argue that there would be such an increased level of intensification of activity to warrant refusal on Green Belt grounds. The e-bikes are not considered to be noisy vehicles and the paddle boards (which have no motors) generate no noise in themselves. Additionally, there would also be limits on the number of paddle-boarders using the lake at any one time (for ecology reasons) and limits on the number of e-bikers on the circuit at any one time (for health and safety reasons). Furthermore, Natural England requires a condition to prevent paddleboarding and e-biking activities during the winter months of October to March inclusive. Whilst the imposition of this condition is for ecology reasons, as a result, the activities will only occur for 6 months out of the year, lowering the overall amount of activity on the site which is beneficial in Green Belt terms.
- 9.25 The application site is adjacent to Liquid Leisure and it is noted that there is a current enforcement appeal on the adjacent site at Liquid Leisure (Ref. 16/50301/ENF). The notice was served in Dec 2020 for the following reason:
- 'Without planning permission the material change of the use of the land from a water-skiing and windsurfing use, to a mixed use that comprises an aqua theme park (including water skiing), caravan and camping site, party venue and a child's play centre; with associated operational development comprising extension to existing buildings, new buildings, kiosks and other structures that are integral to the mixed use.'*
- 9.26 The applicant's agent has advised that it is not proposed that the proposed building would be used in connection with the adjacent site at Liquid Leisure. The applicant's agent has confirmed that the applicant has no intention of forming a link between this application site and the adjacent Liquid Leisure site.
- 9.27 The agent advises that the two sites are completely independent of the other. The agent advises that the site at Sunnymeads Lakes is owned by Horton Leisure and leased to Liquid Leisure. The application site (20/02166/FULL) is owned by Step

Property. The agent also advises that there are no financial links between the two companies, although it is understood there are some common directors.

- 9.28 From the planning officer's site visit, it was noted that there are 2 sets of (padlocked) double gates directly opposite each other on either side of the public foot path. There is also what appears to be a tunnel (with limited headroom) under the footpath – these could potentially provide a direct physical link between the sites. The applicant has however advised that the gates are kept locked at all times and the 'tunnel' is a 20ft container buried in the ground which also has locking doors on one side. The applicant advises that these doors are kept locked at all times and the reason why it is there is for cutting grass maintenance purposes. The applicant adds that there is no public access through either of these points and there is no intention for an interrelationship of any form between the two sites. This area of the site is outside the red line of the application that is being considered and granting planning permission would not therefore result in any linkage being created between the two adjoining sites.

Flooding

- 9.29 The site lies within Flood Zone 3a (1:100 year probability – High Risk) and 3b (Functional Flood Plain) The new building would be sited on a part of the site which lies within Flood Zone 3a (High Risk – 1:100 year probability of flooding) and not functional flood plain (3b). The Environment Agency has confirmed this.
- 9.30 Policy F1 of the adopted Local Plan states that within the area liable to flood, development will not be permitted for new residential development or non-residential extensions in excess of 30 sq metres, unless it can be demonstrated that the proposal would not of itself, or cumulatively in conjunction with other development:
- 1) Impede the flow of water; or
 - 2) Reduce the capacity of the flood plain to store flood water; or
 - 3) Increase the number of people or properties at risk from flooding.
- 9.31 Policy NR1 of the emerging Borough Local Plan advises: 'Within designated flood zones development proposals will only be supported where an appropriate flood risk assessment has been carried out and it has been demonstrated that development is located and designed to ensure that flood risk from all sources of flooding is acceptable in planning terms.'
- 9.32 Policy NR1 5) advises that in all cases, development should not in itself, of cumulatively with other development, materially:
- a. impede the flow of flood water
 - b. reduce the capacity of the floodplain to store water
 - c. increase the number of people, property or infrastructure at risk of flooding
 - d. cause new or exacerbate existing flooding problems, either on the proposal site or elsewhere
 - e. reduce the waterway's viability as an ecological network or habitat for notable species of flora or fauna
- 9.33 NR1 6) (as worded in the Schedule of Main Modifications published in July 2021) states: Development proposals should:
- a) increase the storage capacity of the floodplain where possible

- b) incorporate Sustainable Drainage Systems in order to reduce surface water run-off.
- c) reduce flood risk both within and beyond the sites wherever practical
- d) be constructed with adequate flood resilience and resistance measures suitable for the lifetime for the development
- e) where appropriate, demonstrate safe access and egress in accordance with the Exception Test and incorporate flood evacuation plans where appropriate.

At this time this emerging policy only carries limited weight given the level of objections that have been raised.

- 9.34 Paragraph 167 of the National Planning Policy Framework (NPPF) (July 2021) states: *'...Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
 - b) the development is appropriately flood resistant and resilient such that , in the event of a flood, it could be quickly be brought back into use without significant refurbishment;*
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
 - d) any residual risk can be safely managed; and*
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan'*
- 9.35 In response to the original comments provided by the EA which raised concerns about loss of storage capacity, the applicants have submitted amended plans showing voids on all sides of the building, which would make it a 'floodable' building. The Environment Agency raised no objection to the amended proposal in terms of loss of storage capacity and has recommended a couple of conditions. The first of which is to secure the provision of voids and openings in accordance with the drawings 2607-PL105 and 2607-PL106, to ensure that the opening are no lower than 18.31 metres AOD and to ensure that there is no raising of existing levels on the site. The second condition is to secure a landscape and ecological management plan. See Conditions 12 and 7 in Section 13, below. The use of voids is considered appropriate in this instance given the nature of the proposed building and use as well as the limited scale of the proposed development.
- 9.36 The proposed development is classed as 'Water Compatible' development. Such development is appropriate in this flood zone. Additionally, there is no requirement for the Exception Test to be passed in respect water compatible development in Flood Zone 3a.
- 9.37 In terms of applying the Sequential Test, as the new building is required in conjunction with the use of the lakes and land it is not considered that the building could reasonably be located on another site, remote from the land and lakes. However, a 'Sequential Approach' should be followed when planning new development, such as buildings.
- 9.38 The applicant's agent has advised that under this approach, buildings should be directed to the parts of the Site that are at the lowest risk of flooding. Reference to the Environment Agency's flood zone map shows that these are on the western margin of

the Site. However, this lies in a “Protection Zone” designated by Thames Water in relation to the inlet/outlet tunnels. The applicant concludes and the LPA accepts, that the only available location for the building is thus adjacent to Horton Road near the entrance to the site.

- 9.39 The EA has advised that in accordance with paragraph 167 of the National Planning Policy Framework 2021 (NPPF), the LPA must ensure that the residual flood risk is safely managed and that safe access and escape routes are included. They add that within the application documents the applicant should clearly demonstrate to the LPA that a satisfactory route of safe access and egress is achievable. It is for the LPA to assess and determine if this is acceptable.
- 9.40 In terms of the need for a safe access and egress, this is not considered necessary for this kind of development given that the site would not be used in periods of flooding. It is also important to bear in mind that unlike a residential use, no one would have a requirement to be on the site or reside on the site on a night time basis, during a time of flood.
- 9.41 In addition to condition regarding the provision of voids in the building the EA has suggested another condition regarding securing a landscape and ecological plan. The Council’s Ecologist has commented on the additional documents and information submitted recently by the applicant relating to Ecology matters. It is considered that the Council’s Ecologist’s recommended conditions fully capture all the requirements of the originally suggested EA condition. See paragraphs 9.76- 9.78 in the Ecology section below, and conditions numbered 5,6,7,8 in Section 13.
- 9.42 It is noted that part of one of the reasons for refusal on 17/03938 referred to the development being within the route of the proposed River Thames Scheme and the flood relief channel from Datchet to Wraysbury which is safeguarded in the emerging Borough Local under Policy NR1.
It is noted that the Environment Agency has not raised this as an issue of concern.
- 9.43 Emerging BLP with proposed changes, policy NR1 10) (as worded in the Schedule of Main Modifications published in July 2021) states: ‘Further development land associated with strategic flood relief measures will be safeguarded, including the proposed River Thames Scheme and the flood relief channel from Datchet to Wraysbury ...’

However, at this time this emerging policy only carries limited weight given the level of objections that have been raised to it.

- 9.44 Addressing this matter the applicants have commented that in relation to the flood alleviation scheme, this scheme is not subject to any formal consent at this stage and the applicant has advised that if the site were to be used, a commercial arrangement or compulsory purchase order would need to occur. However, the EA has been evolving the scheme for a long period of time. The applicants advise that in the event that the scheme went ahead the southern lake would continue to operate as existing but with a spillway linked to the lake further to the south (outside the site boundary). The southern lake on the application site would therefore still be available as a lake to be used for paddle boarding purposes with the exception of when an abnormal flood event occurs (when it would be used for additional storage purposes). The applicant comments that is hard to predict exactly how regularly this would happen but it would be infrequent possibly a few occasions every decade and covering a couple of weeks at a time. Such an event would also very likely occur in winter months. It follows that the level of disruption to the ongoing paddle boarding use would only occur on rare

occasions and if it did it would very likely occur in a winter month when paddle boarding is not as popular as a recreation as in the spring, summer and autumn months. The applicant comments that for this reason, it is not anticipated that even if the alleviation scheme did go ahead it would have anything beyond a negligible impact upon the proposed paddle boarding use.

Sustainable Drainage

- 9.47 The LLFA has reviewed the documents submitted with this application, including the additional drainage details received in March 2021. The LLFA advises: The Micro drainage calculations provided now show that the required 40% allowance for climate change.
- 9.48 No details have been provided regarding how the proposed building surface water drainage will connect to the wider system. However, it is considered that this can be addressed at condition stage. No further details of the connection from the proposed ACO drain serving the car park area have been provided. The 150mm diameter pipe would seem undersized for the anticipated flows in a 1 in 100 year plus 40% climate change event. However, it is considered that this can be addressed at condition stage. A condition requiring further drainage details is to be imposed, as suggested by LLFA.- See condition 4 in Section 13.
- ii. Highways and parking
- 9.49 The B376 Horton Road is a classified, numbered primary distributor road, subject to a 40-mph speed limit. As the application site is approximately 1.5 km from the closest train station, it is considered to be in a poor accessibility location. The surrounding area comprises mostly open green spaces and water reservoirs. The plot of land is located behind the Datchet pumping station and is in between Mill Place and the Liquid Leisure facility.
- 9.50 The site currently benefits from having a 6.0m wide vehicular access off Horton Road. Drawing no. 2607 - PL104 shows a new 6.0m wide internal road will be created which will lead up to the new building and parking area. A possible gate is proposed set back approximately 16m from Horton Road. With regards to visibility splays, Mill Place junction with Horton Road can achieve visibility splays of 2.4m x 59m to the left and right. This is deemed acceptable.
- 9.51 The development comprising 246 sqm of D2 use building within a poor accessibility area, requires 11 car parking spaces (1 space per 30 sqm). Drawing number 2607 - PL104 shows that the site will be able to accommodate 22 car parking spaces plus one disabled parking space. Overall layout and dimensions are compliant to minimum Highway requirements.
- 9.52 The existing site is currently used for private angling purposes (D2 use). The new building will support the proposed use of land (and lakes) for sport and recreational purposes including the provision of an e-bike circuit. The proposal will generate more vehicle movements per day than what is currently produced. However, these movements are likely to be outside the peak times and occur during evenings and weekends. Given the nature of the use (D2) and the number of parking spaces provided, it is concluded that the proposal is unlikely to adversely impact the safe and free flowing conditions on the local highway network.
- 9.53 12 secure cycle parking spaces will be provided within the site. Refuse provision has not been considered by the proposal. However, it is

acknowledged the site benefits from sufficient space to accommodate refuse facilities.

- 9.54 Overall, the proposal is considered acceptable on Highways grounds. Conditions have been recommended to ensure parking and turning is provided in accordance with the drawings. Standard informatives have also been recommended – relating to damage to footways, verges and highways and storage of equipment on the public highway.

iii. Trees

- 9.55 The proposed new two storey building and parking spaces are located close to several young trees planted on the edge of the site. If the trees are adequately protected they will provide some screening to the new development. No detailed tree protection information has been submitted with the application. A condition will therefore be imposed to secure tree protection details. See Condition 9 in Section 13.

- 9.56 New landscaping and planting is also proposed in order to provide additional screening and softening of the proposed development. Conditions will be imposed to ensure landscaping is carried out in accordance with the approved details and to ensure that all trees shown for retention, are retained. See conditions 9, 15 and 16 below.

- 9.57 The proposed electric bike circuit has been located in an area of open space away from the trees in between the two lakes. The construction and use of this circuit could be undertaken without causing a significant impact on these trees. It is suggested in the planning statement that the circuit will be laid out using cones and haybales and that evidence of the circuit would be very limited when not in use. This is not the case, as the regular use of motocross bikes will result in significant damage to vegetation, compaction and soil erosion. If the extent of circuit is not well defined and boarded this damage could expand over a larger area including the areas of proposed meadow planning. The use of motocross bikes on the wider site, outside the circuit area could result in significant damage being caused to trees and other vegetation.

- 9.58 It is recommended that the use of the e-bikes should be strictly limited to a defined track area and that the use of off road vehicles should be limited on the site, so as to restrict the construction of any additional trails or circuits.

- 9.59 A condition will be imposed to ensure that the e-bike circuit is restricted to the area shown on the approved plans. The applicants have advised that for health and safety reasons no more than 4 bike would be allowed on the circuit at any one time and the activity would need to be controlled by marshals at the side of the circuit when in use. See condition 19 in Section 13.

iv. Impact on Neighbouring Amenity

- 9.60 It is considered that the proposed uses are such that they can operate without causing noise and disturbance to neighbouring properties. The e-bikes are quiet, and the cycle circuit would be well away from residential properties in the centre of the site. The paddle boards are not motorised. Numbers using the e-bikes and paddle boards at any one time will be also be limited to 4 and 12 respectively. Furthermore, paddleboarding and e-biking activities would by condition, be prevented from occurring during the winter months of October to March inclusive. The LPA is also satisfied that the additional vehicle movements to and from the site would not give rise to such unacceptable levels of additional noise and disturbance to warrant refusal on those grounds. The operating hours would be from 10am until dusk.

9.61 The new building would not cause any loss of light, loss of outlook or loss of privacy to neighbouring properties. Conditions are recommended to control noise, prohibit the use of tannoys and noisy activities and well as requiring the submission of a lighting scheme (to minimise impact on neighbours). See Conditions 5, 13, 14, 17, 19, 24 in Section 13, below.

v. Archaeology

9.62 There are potential archaeological implications associated with this proposed scheme. The site lies within the Thames valley and therefore lies over the floodplain and gravel terraces which have been a focus of settlement, agriculture and burial from the earlier prehistoric period to the present day, as evidenced by data held on Berkshire Archaeology's Historic Environment Record.

9.63 Within 400m of the site lies Southlea farm, the site of an extensive prehistoric settlement and landscape. The proposed site lies within the same landscape and therefore there is potential for continued prehistoric activity in the immediate area. Therefore the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development.

9.64 It is recommended that a condition is applied (to secure a programme of archaeological work and written scheme of Investigation) should permission be granted in order to mitigate the impacts of development. This is in accordance with Paragraph 205 of the NPPF (2021) 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*'. See Condition 3 in Section 13, below.

vi. Ecology

9.65 The application site comprises two lakes, currently used for angling, separated by an area of managed amenity grassland. Other habitats on the site comprise buildings, hardstanding, trees, scrub, plantation woodland, and hedgerows. The lakes form part of Datchet Common and Gravel Pits Local Wildlife Site (LWS), which is designated for its ornithological interest. There are two pockets of woodland (which are likely to be priority habitat) in the immediate surroundings.

9.67 An ecology survey report (AA Environmental Ltd, July 2020) has been undertaken to an appropriate standard and details the results of a preliminary ecological appraisal, winter bird surveys, and breeding bird surveys.

9.68 Section 3.28 of the report summarises the results of the wintering bird surveys as follows:

"A total of 38 bird species were recorded on the site. Of these, Starling, Song Thrush, Herring Gull, Fieldfare, House Sparrow, Mistle Thrush and Redwing are listed as 'red list' birds (RSPB) and are all (with the exception of Fieldfare, Mistle Thrush and Redwing) Priority Species under Section 41 of the NERC Act (2006). There were three Schedule 1 species recorded: Red Kite, Redwing and Fieldfare. None of the 'red list' or Schedule 1 species are dependent on the lakes or terrestrial habitat recorded on the site."

9.69 And the breeding bird survey results are summarised as follows:

“Of the total 35 bird species recorded on the site, only four were confirmed as breeders, Coot, Moorhen, Little Grebe and Mallard, the latter of which is listed as an ‘amber list’ bird (RSPB). No Schedule 1 birds were recorded during the surveys, however the Grasshopper Warbler, Starling and Song Thrush, none of which were recorded breeding, are listed as ‘red list’ birds (RSPB) and are all Priority Species under Section 41 of the NERC Act (2006).”

9.70 The results list also shows that there was potential (though unconfirmed) for several other breeding species being present including Goldfinch, Egyptian goose, Mute Swan, Cormorant, Chiffchaff, Magpie, Great Crested Grebe, Dunnock, Black Cap, and Blackbird.

9.71 The report concludes that the proposals would not adversely affect ecology and that a net gain for biodiversity would be delivered across the site as a result of the development. However, whilst ecological enhancements could be provided, as detailed in the report, the Council’s Ecologist considered that this document did not sufficiently and clearly demonstrate that the wildlife which currently uses the site, in particular birds, would not be adversely affected by the proposals.

9.72 In response to the original Council’s Ecology comments, the applicant submitted an ecology addendum. This document provides further information on some of the points raised earlier Ecology comments and has, as such, partially alleviated some of the original concerns about these proposals. The ecology document states that members/users of the site would be required to follow a strict code of conduct and activities on the site would be well regulated, controlled, and supervised. The document suggests that any further ecological concerns could be dealt with via a condition for an Ecological Management Plan (EMP).

9.73 However, in order to ensure that the proposals would not adversely affect the status of the Local Wildlife Site (LWS) (of which the site is a part), and that wildlife (in particular nesting birds) would not be disturbed by the proposed activities, it was requested that the applicant submits an Environmental Management Plan (EMP), *prior* to the application being determined.

The EMP should include (but not limited to) details of how nesting rafts would be protected from paddle boarders, timings of activities, numbers of users at any one time, details of biodiversity enhancements clearly demonstrating that a net gain for biodiversity would be achieved on the site as a result of the proposals (as per the NPPF), details of where users would enter and leave the lake, and details of an annual monitoring scheme once the development is in operational phase)

9.74 Additionally, it was requested that the applicant submit copies of the Code of Conduct that would be in place, and the site management plan (with details of how daily activities would be regulated etc.) for the operational phase of the development *prior to the application being determined*. Without this information it was considered unclear whether the proposals would adversely affect the status of the LWS or the protected species therein (particularly nesting birds).

9.75 The applicant has submitted an Ecological Management Plan (EMP) (AA Environmental Ltd, July 2021) which includes details of a code of conduct for the site, and of ecological interpretation material which will be made available to users of the site on interpretation boards and leaflets. The EMP is largely descriptive rather than prescriptive at this stage, and lacks detail in places, but it is sufficient at this stage in the application process to demonstrate that measures could be put in place to protect

existing wildlife and enhance the site for biodiversity. It is considered that such measures can be secured via a set of planning conditions.

- 9.76 In order to ensure wildlife, on and off-site habitats, and the Local Wildlife Site (LWS) are not adversely affected during construction works, including installation of biodiversity enhancements and landscaping, a condition will be set to ensure that all works follow an approved Construction Environmental Management Plan (CEMP) for biodiversity. See Condition 6 in Section 13, below.
- 9.77 Because the site is suitable for use by foraging and commuting bats, as well as a range of other wildlife, a condition is required to ensure that any external lighting to be installed would not adversely affect bats or other wildlife (as well as minimising any adverse impact on nearby residential properties). See Condition 5 in Section 13 below.
- 9.78 To ensure biodiversity remains protected on the site and is enhanced in the long-term, and the LWS status of the site is not adversely affected as a result of the development, all landscaping, planting, and biodiversity enhancement works (initial and ongoing), as well as the daily operations of the business on the site (including hours of operation of each activity), numbers of users of each element of the site at any one time (e.g. no more than 12 paddle boarders at any one time as per the submitted EMP), policy for providing the ecological interpretation materials to site users, and adherence of site workers and users to the submitted code of conduct, should follow a detailed and approved Landscape Ecological Management Plan (LEMP). This should initially run for five years, to then be reviewed and renewed thereafter. This would need to be secured via planning conditions. See conditions 7 and 8 in Section 13, below.
- 9.79 The Environment Agency also recommended a condition to secure a landscape and ecological management plan to secure *details of:*
- *maintenance regimes;*
 - *details of any new habitat created on-site,*
 - *details of treatment of site boundaries and/or buffers around water bodies*
 - *details of management responsibilities.*
- 9.80 It is considered that the recommended conditions fully capture all the requirements of the EA's suggested condition.
- 9.81 The application site is situated to the east of the South West London Waterbodies Special Protection Area (SPA) & Ramsar Site. The Wraysbury Gravel Pits Site of Special Scientific Interest is 0.68 km to the South East and this is the nearest part of the SPA to the application site. The qualifying features of the South West London Waterbodies SPA and Ramsar, namely the habitats and non-breeding populations of Gadwell (*Anas strepera*) and Northern Shoveler (*Anas clypeata*) are recognised as being under threat from public access associated with disturbances. The Gadwell and Northern Shoveler are migratory birds that use the South West London Waterbodies SPA for overwintering.
- 9.82 From the applicant's Wintering Bird Survey Results (see Figure 4). It is noted that 24 no. Gadwells were found using the southern lake. The Gadwell is one of the identified birds for protection within the SPA. It is also on the Amber list protected by the Wildlife and Countryside Act 1981.
- 9.83 As part of the determination of the application, the LPA submitted a draft Habitat Regulation Assessment (HRA) to Natural England. Natural England have reviewed the (Council's) draft Habitat Regulation Assessment (HRA) and have advised that they are

not yet in agreement with the conclusions that no likely significant effect on the SPA wintering birds can be ruled out. NE comments that many of the suggested conditions go some way to allaying their concerns, but NE advise that they require an additional condition to ensure that the new activities (paddleboarding, e-biking) do not take place in the winter months i.e. from October to March inclusive.

- 9.84 NE considers that Paddleboarding has the potential to cause disturbance to the birds, as would the e-bikes' close proximity to the lake edges and the associated public announcement system. If a winter condition were to be attached to the planning application, Natural England advise that they would have no further cause for concern. This condition is recommended.

10. Conclusion

- 10.1 The new building is considered to be appropriate development in Green Belt as it is for the provision of facilities (in connection with the existing use of land or change of use) for outdoors sport which would preserve the openness of the Green Belt and not conflict with its purposes. The design of the building is considered to be acceptable and not unnecessarily large for the intended use. The building would be a 'floodable' structure as it would have voids in each side of the building. The Environment Agency has raised no objection in terms of the loss of flood storage capacity.
- 10.2 The proposed paddle boarding activities on the southern lake and the e-bike circuit with limited numbers attending at any one time, both prohibited during the winter months, are considered to be acceptable. These new uses are considered to be low-intensity uses which would not result in harm to the Green Belt, Trees, Ecology or nearby residential properties. Furthermore, there is no objection to the continuation of the use of the northern lake for fishing purposes.
- 10.3 The proposed development would provide sufficient on-site parking facilities and the proposed landscape works are also considered to be acceptable.
- 10.4 The proposal is therefore considered acceptable in accordance with the development plan and other material considerations and therefore should be determined accordingly in line with the NPPF and Section 38(6) of the Planning and Compulsory Act (2004).

11 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 11.1 The development is not CIL liable.

12. APPENDICES TO THIS REPORT

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

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first been submitted to and

approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policy - Policies DG1 of adopted Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003 (adopted Local Plan) ; QP3 of the Borough Local Plan (2013-2033) Submission Version Incorporating Proposed Changes, October 2019 (emerging BLP).

- 3 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.

B) The Development shall take place in accordance with the Written Scheme of Investigation approved under part (A) of this condition. 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 part (A) of this condition 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, Prehistoric 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. Whilst past gravel extraction for the formation of the lakes will have had some impact on the local potential for the survival of archaeological material, there is no evidence that the proposal area has been significantly impacted by this. Therefore in view of the nature and scale of the development and the low likelihood of the potential archaeology, should it exist, meriting preservation in situ, field evaluation through trial trenching would represent an appropriate initial phase of work in order to determine the archaeological potential and levels of previous truncation and the need for any further phases of work. Relevant Policies -Local Plan ARCH 2.

- 4 Prior to commencement (excluding demolition) a surface water drainage scheme for the development, based on the submitted Flood Risk Assessment, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.
- Supporting calculations confirming compliance with the Non-statutory Technical Standards for Sustainable Drainage Systems, the agreed discharge rate as per the strategy and the attenuation volumes provided.
- Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.
- The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

Reason: To ensure compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure

the proposed development is safe from flooding and does not increase flood risk elsewhere.

- 5 No development shall commence until a report detailing the external lighting scheme, and how this will not adversely impact upon wildlife and neighbouring properties, has been submitted to and approved in writing by the LPA. The report (if external lighting is to be installed) 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, areas identified as being of importance for commuting and foraging bats, locations of bird and bat boxes and neighbouring properties .

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, and to protect nearby residential properties from light nuisance in accordance with the adopted Local Plan Policy NAP3.

- 6 No development shall take place (including ground works, vegetation clearance, and landscaping) 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 beforehand by the local planning authority.

Reason: To minimise impacts on biodiversity in accordance with Paragraphs 170 and 175 of the NPPF.

- 7 Prior to the initial occupation of the building, initial use of the lake for paddle boarding, and the initial use of the e-bike circuit, a landscape ecological management plan for "Land And Lakes East of Railway And West And North of Datchet Pumping Station" shall be submitted to and approved in writing by the council. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The landscape ecological management plan is to run for a period of five years and is to comprise, as a minimum, the following:

- Detailed description and maps of habitats on the site;
- Description of current species populations;
- Clear long and short term aims and objectives for the site, to include measures to protect and enhance existing species populations, pond, grassland, and hedgerow habitats, paying particular attention to those species and habitats identified as being of conservation concern at a national, regional or local level.

- Prescriptions to achieve the aims and objectives of the plan to include details of: management responsibilities; who will be responsible for implementing the prescriptions; maintenance schedules for all landscaped areas;

treatment of site boundaries and water-bodies;
 full details of, locations, and confirmation of installation (including photos) of all new habitat created on-site, including those detailed in the EMP and Landscaping reports, and integral bird and bat boxes on the new building;
 details of the daily operations of the business on the site (including hours of operation of each activity, numbers of users of each element of the site at any one time (e.g. no more than 12 paddle boarders at any one time as per the submitted EMP), policy for providing the ecological interpretation materials to site users, and conveyance of and adherence to the submitted code of conduct for all site workers and users),
 Details of how the aims, objectives and prescriptions will be monitored, and what processes will be put in place to ensure that the plan is iterative (ensuring its aims and objectives are met and that management is adjusted to ensure that this is the case).
Reason: To ensure that the development does not lead to deterioration in the ecological value of the LWS, that wildlife and habitats are protected, and that the development leads to an enhancement of the site's ecological value, in line with national planning policy and emerging policy NR2 of the Borough Local Plan 2013-2033.

- 8 For the first five years of the ecology management plan, a report describing ecological management to date, monitoring results, and any changes to the aims, objectives or prescriptions of the plan is to be submitted to and approved in writing by the council. At the end of the five year period an updated ecological management plan shall be submitted to and approved in writing by the Local Planning Authority. .

Reason: To ensure that the development does not lead to deterioration in the ecological value of the LWS, and that the development leads to an enhancement of the site's ecological value in both the short and the long term value in line with national planning policy and emerging policy NR2 of the Borough Local Plan 2013-2033.

- 9 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing and ground protection 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 - adopted Local Plan DG1, N6.

- 10 The existing structures (i.e mobile home, shed, container and portacabin) shown for removal on the approved drawing 2607 -PL104 Rev F , shall be completely removed from the site, prior to the substantial completion of the building hereby approved.

Reason: In the interests of the openness of the Green Belt and the storage capacity of the floodplain. Relevant policies - adopted Local Plan GB1, GB2, F1 , NPPF (2021) paragraphs 149, 150, 167 and QP5, NR1 of the emerging BLP .

- 11 Full details of the design, appearance and siting of any new entrance gates, and any new boundary fences, walls and gates shall be submitted to and approved by the Local Planning Authority prior to installation.

Reason. In the interests of the visual amenity of the area and highway safety. Relevant policies - adopted Local Plan DG1, and T5.

- 12 The development shall be carried out in accordance with the submitted flood risk assessment (reference 117-Datchet Outdoor-FRA/v2, version 2i, dated August 2020 and prepared by Corylus Planning and Environmental Ltd), the letter titled Response to comments made by Environment Agency (from Corylus Planning and Environmental

Ltd to Step Property Limited, dated 10 November 2020), drawing numbers 2607-PL106 (Revision E prepared by Garrett McKee Architects) and 2607-PL105 (Revision F, prepared by Garrett McKee Architects), and the following mitigation measures they detail:

A floodable void shall be implemented as outlined in Section 4.3.2 of the flood risk assessment and shown in drawing numbers 2607-PL105 Rev F and 2607-PL106 Rev E. The height of the voids spaces and openings will be no lower than 18.31 metres AOD.

There shall be no raising of existing ground levels on the site.

These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage, in accordance with paragraph 167 of the NPPF (2021), policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations, adopted June 2003) and emerging policy NR1 of the Borough Local Plan 2013-2033 (with proposed changes).

- 13 Paddle boarding shall only take place on the southern lake and no other sports or recreation activities shall take place on the southern lake. No more than 12 paddle boards shall use the lake at any one time.

Reason In the interests of ecology and biodiversity. Relevant policies - paragraph 174 of the NPPF (2021) and policy NR2 of the emerging BLP (with proposed changes).

- 14 The use of tannoy, public address system or any other activity, which is audible at the boundary of the site, shall be prohibited.

Reason: To protect the residential amenities of the area and to prevent noise nuisance according to the Local Plan Policy NAP3.

- 15 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the initial use of any part of the development, or in accordance with a programme agreed in writing beforehand by the Local Planning Authority, and retained thereafter in accordance with the approved details.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity. Relevant policy - adopted Local Plan D1, N6.

- 16 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any tree work be undertaken other than in accordance with the approved plans and particulars and without the written approval of the Local Planning Authority, until five years from following the substantial completion of the development. Any tree work approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the size and species, and shall be planted at such time, as specified by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area. Relevant Policies - adopted Local Plan DG1, N6.

- 17 The rating level of the noise emitted from the site shall not exceed the existing background level (to be measured over the period of operation of the proposed development and over a minimum reference time interval of 1 hour in the daytime and 15 minutes at night). The noise levels shall be determined 1m from the nearest noise-sensitive premises. The measurement and assessment shall be made in accordance with BS 4142: 2014+A1:2019 (or an equivalent British Standard if revised or replaced).

Reason: To protect the residential amenities of the area. Relevant Policy - Local Plan

NAP3.

- 18 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

19 The E-bike circuit shall be confined strictly to the track as depicted on drawings 2607-P102 Rev E and 0419- L1, and the circuit shall be clearly marked out before use. No more than 4 E-bikes shall use the track at any one time and no additional circuits shall be created elsewhere on the application site.

Reason: To minimise the impact on ecology, biodiversity and tree root protection areas. Relevant policies - N6, NPPF (2021) paragraph 174. NR2, NR3 of the emerging Borough Local Plan (with proposed changes).

21 No development above slab level shall take place until full details of how the new building will be permanently maintained as a floodable building, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: To prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage, in accordance with paragraph 167 of the NPPF (2021) , policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations, adopted June 2003) and emerging policy NR1 of the Borough Local Plan 2013-2033 (with proposed changes).

22 Angling shall only take place on the northern lake and no other sports or recreation activities shall take place on the northern lake.

Reason In the interests of ecology and biodiversity. Relevant policies - paragraph 174 of the NPPF (2021) and policy NR2 of the emerging BLP (with proposed changes).

23 Irrespective of the provisions of Classes A, and B, Part 2 and Classes A and B Part 4 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 gates, fences, means of access, temporary uses or temporary buildings shall be carried out without planning permission having first been obtained from the Local Planning Authority.

Reason: In the interests of the openness of the Green Belt and quiet enjoyment of neighbouring properties. Relevant Policies - Local Plan DG1, NAP3, GB1, GB2.

24 No Paddle boarding or E-biking activities shall take place on the site between the months of October to March inclusive.

To ensure no adverse impact on the South West London Waterbodies Special Protection Area (SPA) will arise as a result of a reduction in SPA ecologically linked habitats. Relevant policies - NPPF 2021 paragraphs 181 and 182.

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

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

Informatives

1 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, and Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.

2 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.

3 No builder's materials, plant or vehicles related to the implementation of the

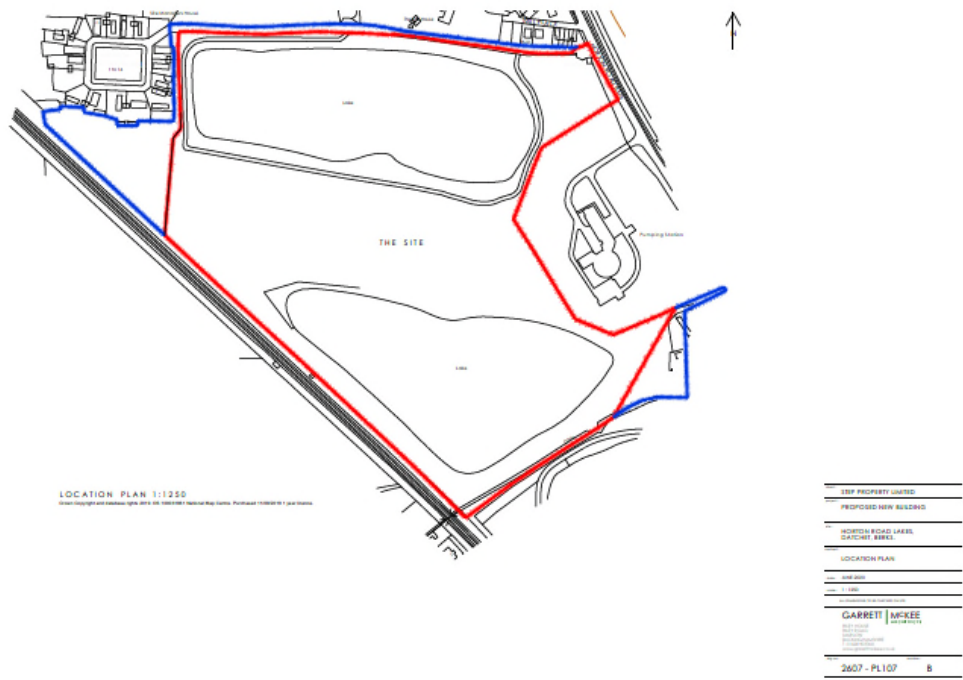
development should be parked /stored on the public highway so as to cause an obstruction at any time.

- 4 No groundwork, demolition or construction work shall be carried out or plant operated other than between the following hours: Monday-Friday 08.00 until 18.00; Saturday 08.00 until 13.00. No working on Sundays or Bank Holidays.
- 5 There should be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.
- 6 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning.
- 7 The applicant and their contractor should take all practicable steps to minimise dust deposition outside the site boundaries which is a major cause of nuisance to residents living near to construction and demolition sites. All loose materials should be covered up or damped down by a suitable water device, all cutting/breaking is appropriately damped down, the haul route is paved or tarmac before works commence and is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance: the London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities.

APPENDIX A

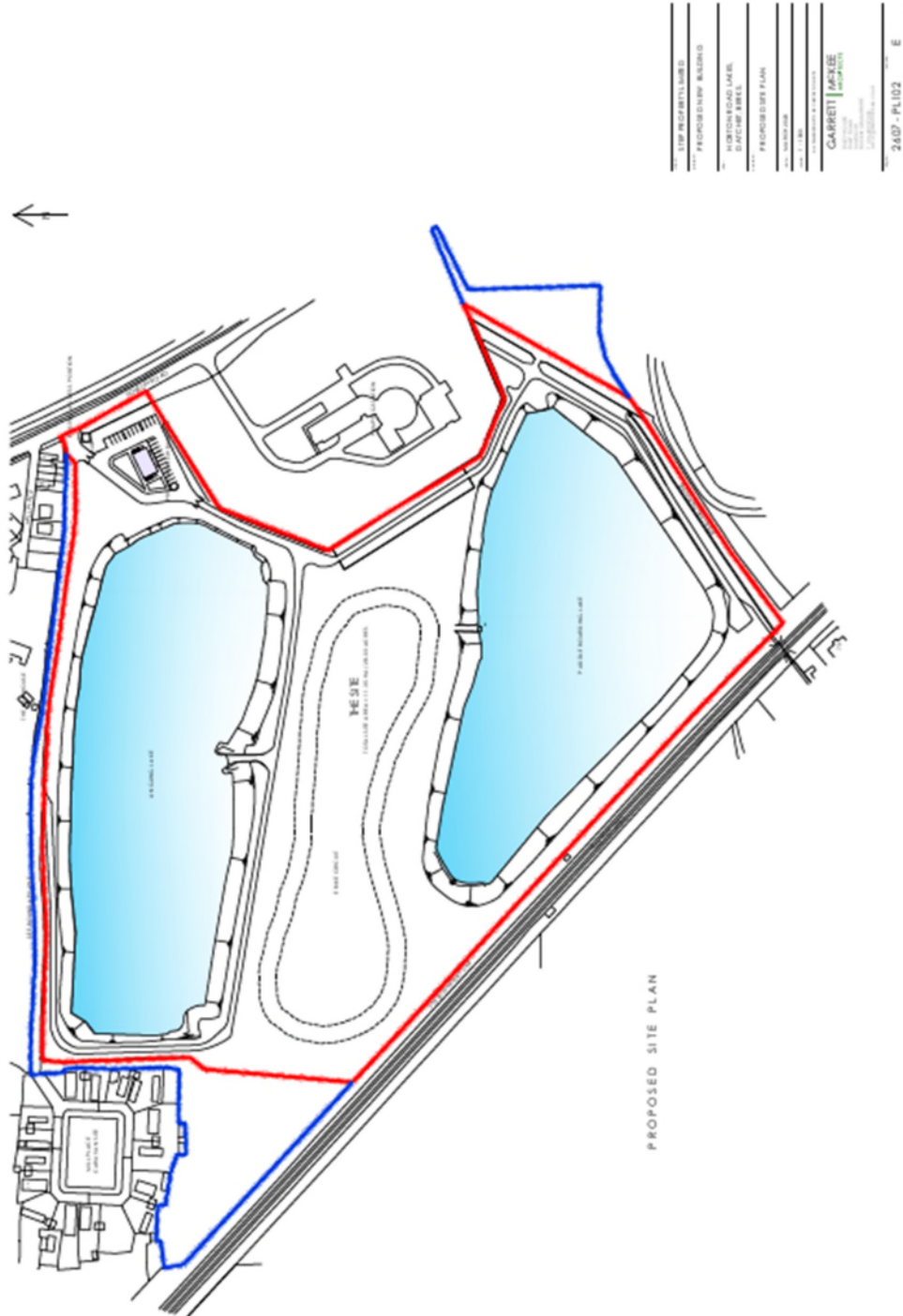
Application 20/02166/FULL

Land And Lakes East of Railway and West and North of Datchet Pumping Station, Horton Road, Datchet



APPENDIX A

Application 20/02166/FULL



1. SITE BOUNDARY
2. PROPOSED NEW BUILDING
3. EXISTING ROAD LANE, DRIVEWAY & BRILL
4. PROPOSED SITE PLAN
5. NORTH ARROW
6. SCALE 1:1000
GARRETT JACKE ARCHITECTS
2407 - PL102 E

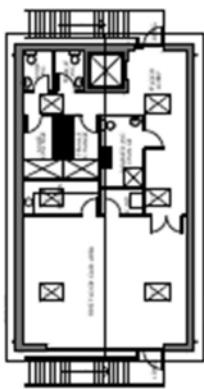
APPENDIX B

Application 20/02166/FULL



APPENDIX B

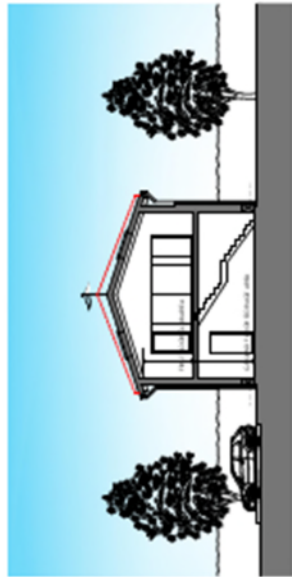
Application 20/02166/FULL



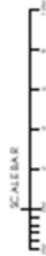
FIRST FLOOR PLAN



GROUND FLOOR PLAN



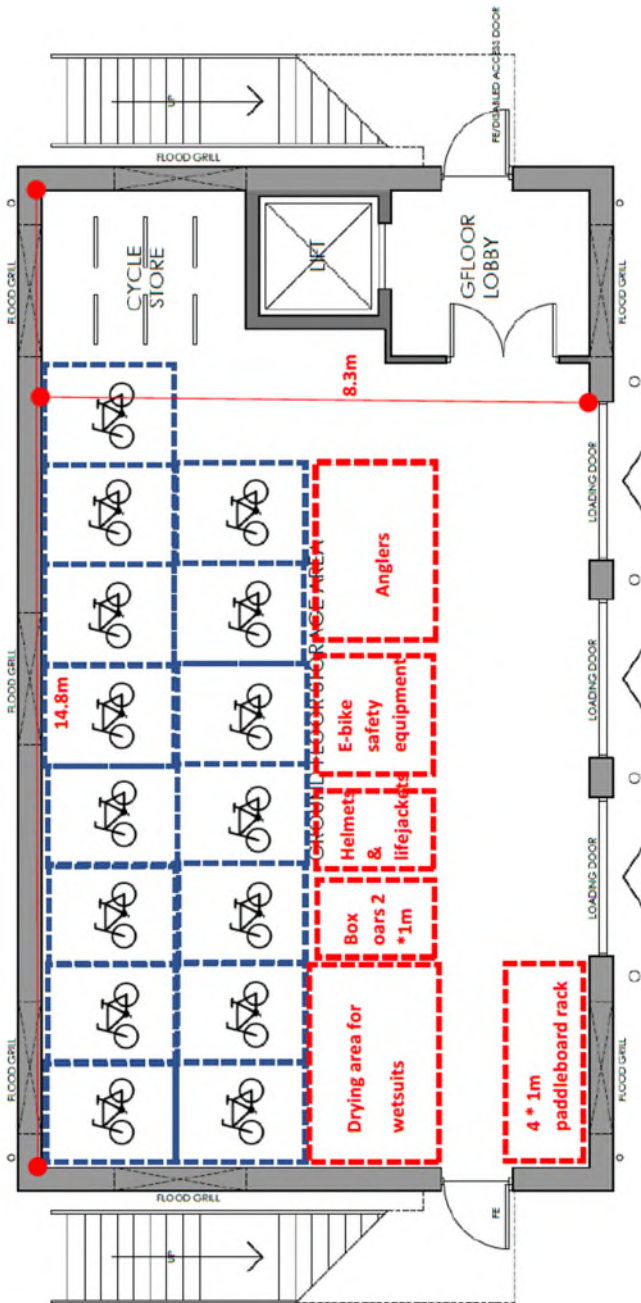
SECTION



222	STEP ARCHITECTURE
223	PROJECT ARCHITECT
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APPENDIX B

Application 20/02166/FULL



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DEVELOPMENT CONTROL PANEL

1 December 2021

Item: 2

Application No.:	21/01721/FULL
Location:	Sunningdale Park Larch Avenue Ascot SL5 0QE
Proposal:	The redevelopment of part of the Sunningdale Park estate including the erection of new buildings to provide 96 homes (Class C3), conversion of 3x market dwellings to shared ownership in Mackenzie House alongside associated internal access roads, parking, landscaping, footpaths, drainage, provision of 19 hectares of SANG and other associated works.
Applicant:	Mr Hill
Agent:	Not Applicable
Parish/Ward:	Sunningdale Parish/Sunningdale And Cheapside
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 application relates to part of Sunningdale Park where planning permission to provide a total of 168 dwellings, a care community of 103 units and provision of 16.97 hectares of SANG was granted under application 18/00356/FULL. The permission remains extant, with development having commenced on site, and is material to the consideration of this application.
- 1.2 The proposal involves revising part of the approved scheme to provide 96 dwellings where 74 dwellings have been approved. In addition 3 dwellings approved as market housing will be converted to affordable housing, with a contribution being made for a further 2 affordable units to be provided off-site. An additional 2.03 hectares of SANG is also being provided by the current proposal.
- 1.3 The application site is previously developed land in the Green Belt but it would have a greater impact on openness than existing and would not meet an identified affordable housing need. It is therefore considered that it would be inappropriate development in the Green Belt. Substantial weight should be given to this harm.
- 1.4 The proposal would follow the same approach to the general location of development of the approved scheme, with dwellings sited either side of a central avenue accessed off Larch Avenue. The form and architecture of the proposed dwellings would be notably different from the approved scheme, however no harm would arise in terms of the impact on the setting of the adjoining heritage assets, living conditions of neighbours or in relation to parking and highway safety, environmental and ecological issues and trees.
- 1.5 The character of the area would be largely be unharmed by the proposal, with the exception of part of Larch Avenue where the access point is located. At this point, and particularly when facing south, the scale of the proposed development compared to the opposite side of Larch Avenue would be noticeably out of keeping with the townscape. However, this harm would be limited having regard to the approved scheme, where no objection was raised to the impact on the surrounding townscape, and when considering the character of Larch Avenue as a whole.

- 1.6 Some of the private amenity spaces to the proposed apartments would be below the Council's Design Guide requirements. However, having regard to the extant scheme and the provision of a large area of public open space adjoining the site, only limited harm would result.
- 1.7 In terms of benefits, the proposal would contribute to the supply of housing in the Borough to which significant weight is given. Significant weight is also given to the additional SANG being provided (over and above the approved scheme). It is considered that Very Special Circumstances exist which would outweigh the harms of the scheme and would justify granting planning permission.
- 1.8 Accordingly and on-balance, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against policies in the National Planning Policy Framework taken as a whole.

It is recommended the Committee DEFER and DELEGATES to the Head of Planning:	
1.	To grant planning permission on the satisfactory completion of an undertaking to secure the affordable housing, SANG and contribution to the Council's Carbon Offset Fund, if necessary, referred to in Section 9 of this report and with the conditions listed in Section 13 of this report.
2.	To refuse planning permission if an undertaking to secure the affordable housing, SANG and contribution to the Council's Carbon Offset Fund, if necessary, as referred to in Section 9 of this report has not been satisfactorily completed for the reason that the proposed development would not be accompanied by the necessary associated affordable housing, SANG, and climate change improvements.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises 2.12 hectares located within part of the western edge of Sunningdale Park. The site was previously occupied by buildings associated with its former use as a training facility. Access to the site is via Larch Avenue to the west.
- 3.2 Apartment blocks associated with a new care community development are currently under construction to the north of the site, with Northcote House (Grade II listed) further to the north-east. To the east, at a lower level than the application site is open parkland, which is part of the Grade II Registered Park and Garden. Residential properties lie to the south and west of the site along The Spinney and Larch Avenue respectively. With the exception of the access, the western boundary of the site is heavily vegetated and enclosed by a number of mature trees.

4. KEY CONSTRAINTS

- 4.1 The application site is located in the Green Belt and adjoins a Grade II Registered Park and Garden. An area Tree Preservation Order covers the site.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 Under application 18/00356/FULL, (approved in November 2019), planning permission was granted for the redevelopment of Sunningdale Park including the part demolition,

alteration, restoration, conversion and extension of Northcote House (Grade II Listed), Gloucester Stables and the Walled Garden; the alteration, restoration, conversion and extension of North Lodge, the alteration, restoration and conversion of the Gamekeeper's Lodge and Store, and The Dairy; the part demolition and part alteration, restoration and conversion of South Lodge; refurbishment and extension of Gardeners Cottages and the demolition of other buildings including Park House; and the erection of new buildings to provide 168 dwellings (Use Class C3) (160 net), a Care Community of 103 units of accommodation incorporating communal facilities (Use Class C2), restoration of the Registered Park and Garden, provision of 16.97 Hectares of SANG (within 19 hectares of open space in total), plus associated internal access roads, parking, landscaping, footpaths, drainage and other associated works. This permission remains extant and parts of the approved works have commenced on site.

- 5.2 The application proposal relates to part of the 160 net dwellings approved under application 18/00356. Specifically, the application predominantly covers the part of the site approved to develop 74 new dwellings, (previously referred to as 'Larch View'), which comprises two main parts, Steuart Court (and terraces) and Crossley Court (and terraces) positioned on opposite sides of a new, main avenue accessed from Larch Avenue.
- 5.3 This revised proposal involves redeveloping the site to provide 96 new dwellings, resulting in a net increase of 22 dwellings over the previously approved scheme. As with the extant permission, the new proposal involves two main parts of development either side of a new access avenue. To the south of the avenue would be a building, comprised of four elements, referred to as Crosley Classrooms, Crosley Hall, The Great Hall and The Chapel, which would be arranged around a raised courtyard, with parking beneath. The building would rise to four-storeys above ground level, but present as having three-storeys within the courtyard. Taken together, the buildings would be approximately 72m wide by 68m deep (minus the south-west corner), ranging in height from between approximately 10m to 16m. A total of 65 apartments is proposed within this part of the scheme.
- 5.4 On the north side of the avenue, the proposal comprises a three-storey Gatehouse terrace of three dwellings, positioned close to the site entrance, and a new private driveway, (Scholars Row) in which 4 detached and 4 semi-detached houses would be located. To the east of Scholars Row would be an L-shaped apartment building (Steuart Court) with under-croft parking. This building would be approximately 34m wide by 47m deep and range in height from approximately 10m to 14.5m. 20 apartments are proposed in Steuart Court.
- 5.5 In addition to the 96 new dwellings proposed, the application involves the conversion of three of the approved two-bedroom market dwellings in MacKenzie House to shared ownership. The proposal also includes 19 hectares of Suitable Alternative Natural Greenspace (SANG) in mitigation in respect of the Thames Basin Heaths Special Protection Area, resulting in an increase of 2.03 hectares of SANG over the extant permission.
- 5.6 Development associated with planning permission 18/00356 has commenced and some conditions and amendments relating to that permission, and specific to the application site (which covers Phases B1, B2 and B3 of the original consent) have been discharged. These are summarised in the table below:

Reference	Description	Decision
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20/00315/CONDIT	Details required by part condition 15 (construction environmental management plan)	Approved 02.06.2020.
20/00316/CONDIT	Details required by part condition 24 (nesting season)	Approved 03.04.2020.
20/00328/CONDIT	Details required by part condition 5 (tree protection) 25 (invasive species) 28 (archaeology)	Approved 21.05.2020.
20/00671/NMA	Non-material amendment to 18/00356/FULL to vary the wording of condition 3 (materials); condition 29 (drainage); condition 30 (contaminated land)	Approved 18.05.2020.
20/02345/CONDIT	Details required by part condition 22 (Badgers)	Approved 04.01.2021.
20/03476/CONDIT	Details required by Condition 17 (SANG Management Strategy)	Approved 21.04.2021.

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, GB3, GB9
Design guidelines	DG1, H10, H11
Heritage assets	LB2, HG1
Affordable housing	H3
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
Sunningdale Park Strategic Site	NP/SS8
Housing Policies	NP/H2 (Mix of housing types)
Design Guidelines	NP/DG1 (Townscape), NP/DG2 (Density, footprint, separation, scale & bulk), NP/DG3 (Good quality design), NP/DG4 (Heritage assets, NP/ DG5 (Energy efficiency and sustainability)
Environmental Policies	NP/EN2 (Trees), NP/EN3 (Gardens), NP/EN4 (Biodiversity)

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

Adopted The South East Plan – Regional Spatial Strategy

Issue	Plan Policy
Thames Basin Heaths Special Protection Area	NRM6

7. **MATERIAL PLANNING CONSIDERATIONS**

National Planning Policy Framework Sections (NPPF) (2021)

Section 2 – Achieving sustainable development
 Section 4- Decision-making
 Section 5 – Delivering a sufficient supply of homes
 Section 9- Promoting sustainable transport
 Section 11 – Making effective use of land
 Section 12- Achieving well-designed places
 Section 13- Protecting Green Belt land
 Section 14- Meeting the challenge of climate change, flooding and coastal change
 Section 15 – Conserving and enhancing the natural environment
 Section 16 – Conserving and enhancing the historic environment

Borough Local Plan: Main Modifications Version (July 2021)

Issue	BLP MM Version Policy
Character and Design of New Development	QP3
Development in Rural Areas and the Green Belt	QP5
Housing Mix and Type	HO2
Affordable Housing	HO3
Nature Conservation and Biodiversity	NR2
Trees, Woodland and Hedgerows	NR3
Sunningdale Park Site Allocation	AL35

7.1 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

- a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

7.2 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. 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 were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the

Inspector's post hearings advice letter was received in March 2021. The consultation on the Main Modifications has recently closed.

7.3 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 9 of this report.

7.4 These documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

Supplementary Planning Documents

- RBWM Thames Basin Health's SPA
- RBWM Borough Wide Design Guide

Other Local Strategies or Publications

7.5 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Affordable Housing Planning Guidance
- RBWM Interim Sustainability Position Statement

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

166 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 14.06.2021 and the application was advertised in the Local Press on 17.06.2021.

50 letters (Including SPAE, excluding duplicates but including additional comments) were received objecting to the application, summarised as:

Comment	Where in the report this is considered
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1.	<p><u>Impact on character of the area:</u></p> <ul style="list-style-type: none"> - The replacement of town houses by a very large block of flats is out of character /out of keeping with properties within Larch Avenue, designated 'Villas in a Woodland Setting; - The large blocks of flats will have a dominating, imposing and overbearing effect on Larch Avenue; - Materially impairs the amenity and character of Larch Avenue and surrounding neighbourhood significantly beyond the approved scheme; - Contrary to policies NP/DG2.1 and H10, H11 and DG1 of the Local Plan as scale and design is out of character as buildings are higher than previous development; - The proposal represents over-development and greater, unwanted urbanisation of Larch Avenue; - This will turn a rural setting into a suburban environment; - Contrary to NP/SS8 which requires any development to respond to key characteristics of townscape; - The proposal will not preserve or contribute to the strong green leafy character of the neighbourhood; - Sunningdale Park and its immediate environment has a relatively low density residential environment, the density proposed would be greater than you would find in many areas of London; - The development is closer / too close to Larch Avenue; - Replacing a 3 storey building with a 4 storey building, which is out of keeping with Larch Avenue and deviates from original application; - Lacks separation with increased sense of scale and bulk ; - Exceeds the original scheme which we judged to be on the limit; - Will turn the village into a suburb in terms of the scale of building proposed; - Introducing the varied styles would not outweigh the urbanising effect that so much surface parking would have. 	9.6 – 9.22
2.	<p><u>Poor design:</u></p> <ul style="list-style-type: none"> - The new building is ugly and will be equivalent to a 19th century army barracks; - The townscape will be blighted by this prison-style design; - Design is incongruous with the pattern of housing and contrasts sharply with low density locality; - The design is hideous and oppressive. A planned row of town houses will be replaced by a monolithic facade of a large block of flats; - The building is an abomination and can in no way be said to fit in with the local environs; - Key reason for rejection should be bulk. New apartment building should only be allowed to be built up to the same height as the previous buildings (3 storeys); - Significantly more surface parking; - Contrary to NP/DG3 and NP/SS8.4. 	9.6 – 9.22

3.	<p><u>Impact on living conditions of neighbours:</u></p> <ul style="list-style-type: none"> - More traffic will lead to more noise disturbance - Will lead to a significant increase in overlooking/loss of privacy, contrary to section 8.3 of the Borough Wide Design Guide; - Loss of privacy from balconies looking directly over properties in Larch Avenue, - Monstrous buildings that will be dominant and overbearing; - Will spoil the peace and enjoyment of local residents' homes; - Will severely impact the amenities of occupiers of existing properties on the opposite side of Larch Avenue; - Will spoil the sanctity of our small community; - Overspill of light pollution from highest windows facing Larch Avenue; - It is pointless for the RB to have grandiose documents about well-being and mental health of residents if the planning authority only pays lip service to them. 12 months of constant noise and vibration has ruined my enjoyment of my garden. Further development will mean that the enjoyment of my garden will have be removed for over 2 years. This is above what any resident should have to endure to their mental health. 	9.23 – 9.25
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4.	<p><u>Highway Safety:</u></p> <ul style="list-style-type: none"> - Will lead to significantly more traffic using the Silwood Road and Larch Avenue junction which is already very dangerous on a corner; - Station Road and Silwood Road are used as a rat-run with a great deal more traffic recently causing vehicles to drive partly on the pavement to get through; - The surrounding roads are under-sized and over used and severely congested most times of the day; - Nearly 600 additional traffic movements per day, yet the developer is not proposing any changes to the current bottleneck at Silwood Road. - If approved, should have a condition that Silwood Road is widened and parking spaces along the road, (particularly outside shops and businesses) are provided; - The number of new housing units will exacerbate an already existing trouble spot for traffic. The developer should pay for widening of Silwood Road so that two lanes of traffic can move freely, while also providing parking for the businesses located there; - Real concerns about the level of traffic and road safety especially with regard to children attending local schools; - The traffic consultants over-estimated the traffic generated by the previous Government Training College; - Given the distance from the train station and village centre, many people will use their cars for most journeys. - There will be an increase of at least 88 traffic movements per day, so the figure provided by the applicant seems totally unrealistic; - The junction at A329 London Road and B383 Buckhurst Road is becoming increasingly dangerous and there should be a roundabout there. - Parking on Larch Avenue is dangerous particularly near junction with Silwood Road. The pavement on the LHS as you turn into Larch Avenue from Silwood Road has been extended, so that if cars are waiting to pull out of Larch Avenue, cars on Silwood Road cannot turn in as the road is too narrow. This causes congestion at this point. 	9.33 – 9.36
5.	<p><u>Parking:</u></p> <ul style="list-style-type: none"> - Insufficient/ total lack of visitor parking spaces; - Likely to have a significant adverse effect on parking on Larch Avenue; - Proposed car parking significantly exceeds those previously provided by the college; - Insufficient parking, contrary to NP/T1.1. 	9.32 – 9.36

6.	<p><u>Lack of infrastructure:</u></p> <ul style="list-style-type: none"> - Insufficient infrastructure to cope with the size of the current development let alone more; - The infrastructure does not exist to support this. Local residents already struggle with school places, access to doctors and NHS dentists; - A real gain of the proposal would be a doctors surgery, rather than the park; - The Council is already unable to keep up with cleaning and maintenance of roads, trees etc in our village – how will it be able to improve after an increase in residents? - Appropriate and necessary infrastructure and community facilities has been completely overlooked. 	Section 10
7.	The developer's justification for the revised scheme does not stack-up.	Noted
8.	The Council should not be taken-in by 'expert' assessments which offend common sense.	Noted
9.	Do not be taken-in by the tree cover which Berkeley Homes feature in their plans. Trees exist but not in the profusion shown and certainly not in the Winter.	Noted
10.	Poor access to shops and jobs due to lack of public transport. People are unlikely to walk or cycle.	Noted
11.	The application is a 'Mastery of Theatre'.	Noted
12.	People of Sunningdale are unitedly appalled and do not agree that the permanently open park is a gain given Windsor Great Park and Virginia Water.	9.56
13.	The very special circumstances to seemingly break all Planning rules makes a mockery of keeping the Borough free from inappropriate development.	9.1-9.5
14.	The proposal is purely about taking and giving.	Noted
15.	This is exactly the type of 'back door' amendments we, as residents, were fearful of at the time of the original proposals. No doubt there will be more to come.	Noted
16.	The proposal is not in keeping with the Borough's Environment and Climate Strategy.	Noted

Consultee responses (summarised)

Consultee	Comment	Where in the report this is considered
Sunningdale Parish Council	<p>Recommends Refusal</p> <p><u>Scale and bulk:</u></p> <p>The proposed scheme has introduced large sections at the corners which are significantly higher than the approved scheme. This increases the overall bulk of the building (Crossley and Steuart).</p> <p>One of the main concerns is the change to Crossley Court and the view of the apartment block from Larch Avenue. A 4 –storey, monolithic structure like this does not sit comfortably opposite the houses in Larch Avenue, where the townscape is described as 'Villas in a Woodland Setting'. The proposal is therefore contrary</p>	9.6 – 9.22

	<p>to policies NP/DG1, NP/DG2 and NP/DG3 of the Neighbourhood Plan.</p> <p>We would argue that this added bulk at the corners adds significantly to the perception of scale, which would be contrary to policy NP/DG2.</p> <p>The applicant accepts that Crossley Court is taller than the approved scheme in places by circa 3m.</p> <p><u>Inappropriate architectural style and layout:</u></p> <p>The application proposes architectural changes to Crossley and Steuart Court which are significantly different to the architectural style of the approved scheme.</p> <p>Examples of the proposed style of architecture are urban examples. These are large, multi-storey urban buildings. Sunningdale is a village, not a town or city centre and the style, scale and bulk of the proposed buildings are not appropriate in this location.</p> <p>In selecting this urban reference point, the proposal is contrary to section 12 of the NPPF.</p> <p>A wide variety of architectural features are now included and the layout and positioning of buildings has also changed. Continuing the urban theme the positioning of the Crossley buildings in a square is more concentrated with less open views than the approved scheme.</p> <p>The southern flank of the Crossley Great hall appears to be dangerously close to a TPO tree.</p> <p>The juxtaposition of architectural styles, together with the size, scale and bulk does not represent 'Good Quality Design' as defined in policy NP/DG3.</p> <p><u>Traffic and access:</u></p> <p>Additional traffic along Larch Avenue and Silwood Road from the development at Sunningdale Park continues to be a major concern to residents.</p> <p>It is hard to comprehend how the introduction of 271 dwellings could result in a 2.2% reduction in traffic.</p> <p>Silwood Road is already a traffic bottleneck and some serious work needs to be done given the increased traffic using this road.</p> <p>We would like to see an updated traffic report and plan of</p> <p>Action from RBWM to address these concerns.</p> <p>A329 London Road/B383 Buckhurst Road/ B383 Silwood Road – The Parish Council is concerned about the build-up of traffic at these junctions. The RBWM Delivery Plan indicates that improvements have been identified here but are a low priority in the emerging Local Plan.</p> <p>The Parish Council considers that the applicant should fund a new roundabout at this junction given the proposed increase in dwellings.</p> <p><u>Green Belt:</u></p> <p>The revised design of the Crossley building, together with the new building style centred around a square, as well as the extension of the Great (Crossley) Hall further into green space and undeveloped area of the site does</p>	<p>9.10 – 9.22</p> <p>9.30 – 9.36</p> <p>9.1 – 9.5</p>
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	<p>affect openness of the Green Belt and is therefore contrary to paragraphs 145 and 146 of the NPPF.</p> <p><u>Local Plan:</u> Sunningdale Park was allocated 230 homes in the Local Plan. Planning permission was approved for 271 dwellings. The proposal will increase the number of dwellings to 293, approximately 30% over the Local Plan allocation.</p> <p><u>Parking:</u> Sunningdale Park is not a sustainable location close to major transport hubs. There are no buses and the station is 1.1 miles away, that takes 24 mins to walk. Most people will drive. It is questionable whether there is adequate parking for the density of development. There is inadequate visitor parking. There is a risk that there will be a reliance on on-street parking and additional pressures placed on the already inadequate parking in Larch Avenue. This is contrary to NP/T1.</p> <p><u>Highways:</u> There has been a recent change of road layout at the junction of Larch Avenue and Silwood Road which is causing problems as a result of the highway being narrowed. RBWM highways need to carry out an urgent site visit.</p> <p><u>Mackenzie House:</u> The proposed re-design does not include Mackenzie House which would be in a prominent position in Larch Avenue. This should be included in the current proposal in order to assess the full impact rather than on a piecemeal basis.</p>	9.20
RBWM Conservation / Design Officer	<p><u>Initial comments:</u> No objection in principle to the architectural design of the revised scheme. The materials and finishes will need to be exceptional as the design relies heavily on good architectural detailing, particularly the Crosley block which has the potential to appear quite monumental. The layout is considered to be an improvement with more clearly defined public and private space. Suggested improvements to ground floor undercroft parking. Services, plant, life overruns, PVs etc at roof level should be shown. Crosley – the roof appears very bulky on the south elevation (the Chapel) McKenzie – the detailed design of this could do with more consideration so that it ties in with the architecture of the rest of this part of the site.</p> <p>Requested further information on: Contextual elevations without the trees, including cross-sections across the roads. Viewpoints from Northcote House and Park Comparison of footprints between proposed and approved</p>	9.6 – 9.22

	<p>Plans to show reduced height of Crosley south elevation to assess height and massing in context of adjacent buildings</p> <p>More details required on soft landscaping/landscape scheme and hard-surfaced areas.</p> <p>More details required on sustainability in particular with reference to the Council's Position Statement on Sustainability.</p> <p><u>Re-consultation response:</u></p> <p>The current revised scheme is an improvement on that previously agreed in terms of its design and layout. It is my view that this scheme will have no greater impact on the setting, and hence the significance, of the adjacent heritage assets than that previously approved. Having considered the revised details together with the letter from Mr Hill of Berkeley Homes dated 24th September, I confirm that I have no further comments to make on this application.</p>	
Highways	No objections subject to conditions relating to parking layout and cycle parking provision.	9.30-9.36
Trees	<p>Initial comments:</p> <p>Requested existing layout plan overlaid with approved layout and proposed, to discern what the changes are and whether this has any implications for trees.</p> <p>Clarification required on some annotations on plans and technical note for SANG management plan.</p>	9.45-9.48
Lead Local Flood Authority	<p>Initial comments:</p> <p>Additional information required.</p> <p>Re-consultation response awaited.</p>	9.41
Environment Agency	No comments.	Noted
Thames Water	No objections.	Noted
Natural England	No objections.	Noted
Housing Enabling Officer	The proposal provides for an additional 5 affordable units, comprising 3 additional flats for shared ownership, plus a financial contribution in-lieu of the on-site provision of 2 affordable flats.	9.51-9.53
Environmental Protection	Recommends conditions in respect of contaminated land and a site specific construction environmental management plan.	9.25

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of development
- ii Design considerations
- iii Impact on neighbouring amenity
- iv Provision of suitable residential environment

- v Highway considerations and parking provision
- vi Environmental considerations
- vii Ecological issues
- viii Impact on important trees
- ix Impact on heritage assets
- x Affordable housing
- xi Other material considerations

Principle of development

- 9.1 The application site is located within the Green Belt and is identified in the Local Plan as a 'Major Developed Site in the Green Belt' under Policy GB9. However, given the age of the Local Plan, Policy GB9 is now out-of-date. The application site is also identified as Strategic Site NP/SS8 in the Neighbourhood Plan (adopted 2014) and is an allocated housing site (AL35) in Policy HO1 of the emerging Borough Local Plan. The most current policy with regard to assessing applications for new development in the Green Belt is the National Planning Policy Framework (NPPF) 2021.

Whether the development is inappropriate development in the Green Belt

- 9.2 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 further adds that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, with the exception of certain types of development. These exceptions include "limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."
- 9.3 Whilst the proposal would constitute the redevelopment of previously developed land, it would have a greater impact on openness of the Green Belt than the existing. In addition it is not considered that the affordable housing proposed contributes to meeting an identified affordable housing need. As set out further in paragraphs 9.51-9.53, the quantity of affordable housing proposed is considered to meet policy requirements, but the proposed tenure of 100% shared ownership with an additional off-site contribution does not meet the identified need within the Borough. Whilst there are material considerations which make this justifiable in relation to affordable housing policy, it is not considered that it meets the relevant test within NPPF paragraph 149 g.

- 9.4 The application also involves the change of use of 2.03 hectares of previously approved open public space in the Green Belt to Suitable Alternative Natural Greenspace (SANG). As this part of the proposal would remain in a recreational use that would preserve the openness of the Green Belt and not conflict with the purposes of including the land within it, this complies with paragraph 150 e) of the NPPF.
- 9.5 As part of the proposal is considered to be inappropriate development, then the whole application must be assessed as such. The proposal will only therefore be acceptable if Very Special Circumstances exist which outweigh the harm by reason of inappropriateness and any other harm identified in this report. This is fully considered in the Planning Balance.

Impact on Openness and Purposes of the Green Belt

The proposed change of use of open space to SANG and the proposed change of use of units within McKenzie House would have no harmful impact on openness nor the purposes of the Green Belt.

The proposed residential development would have some, albeit limited, harm to the openness of the Green Belt when compared with the former training facility buildings. Furthermore, the extant permission is considered a relevant material consideration when weighting the impact of the current scheme on the openness of the Green Belt. As works have been commenced to implement the extant consent, it is a realistic fallback position that scheme would be implemented in full were permission for the current application not to be forthcoming. As set out in more detail below, there are differences in the height, position and footprint of the two schemes. However, the current proposal is an overall reduction in hardstanding and footprint compared to the extant which would reduce its spatial impact on the openness of the Green Belt. The modest increase in height at certain points of the proposed development and the repositioning of elements of the scheme would have only a very limited impact on the openness of the Green Belt. Given the previous use of the site and the extant consent, it is not considered that the proposal would conflict with any of the purposes of including land in the Green Belt.

Conclusion on Green Belt Assessment

Accordingly, the proposal is inappropriate development in the Green Belt and the case for Very Special Circumstances is considered further below.

Design considerations

- 9.6 Policies H10 and H11 of the Local Plan require new housing proposals to display high standards of design and landscaping, and the scale and density of new development should be compatible with the character and amenity of the area. Policies NP/DG1, NP/DG2 and NP/DG3 of the Neighbourhood Plan state new development should respond positively to local townscape and that new development should be similar in density, footprint, separation, scale and bulk of buildings in the surrounding area. Emerging policy QP3 of the BLP expects all new development to contribute to achieving sustainable high quality design in the Borough by following a number of design principles, including respecting and enhancing the local character of the environment.

Housing density, type and mix

- 9.7 The density of the proposed development is 45 dwellings per hectare. Although this is an increase over the approved scheme, which has a density of 34 dwellings per

hectare, both densities are within the medium range of residential densities and indicate a more efficient use of the land.

- 9.8 The proposed development would provide a wider range of homes than the approved scheme, as outlined below:

	Proposed	Approved
1 bedroom apartments	10	0
2 bedroom apartments	49	40
3 bedroom apartments	15	17
4 bedroom apartments	10	0
3 bedroom houses	2	0
4 bedroom houses	10	17
Total	96	74

- 9.9 The proposal would also provide for an additional 5 affordable homes for shared ownership in the Borough.

Design, scale and layout

- 9.10 The design and layout of the proposed scheme has been informed by the existing landscape and heritage assets within Sunningdale Park with, as advised by the Council’s Conservation Officer, “a design nod to the previous academic use of the site and to the architecture of the secondary red brick Victorian buildings of the Northcote House estate.”

- 9.11 As with the approved scheme, the proposal would be centred around a new, tree-lined avenue, referred to as Park Avenue, which would extend from the Larch Avenue entrance to the parkland beyond. To the south of the avenue would be an apartment building that would provide 65 flats within four distinctive elements referred to as The Great Hall, Crosley Hall, Crosley Classrooms and The Chapel. As with the approved scheme, some parking would be provided beneath a central podium with a landscaped area above.

- 9.12 Taken together, the elements of the ‘Crosley’ building would be approximately 72m wide by 68m deep (minus the south-west corner), compared to the approved scheme on this part of the site which would be approximately 68m wide by 64m deep. In terms of heights, the proposal ranges from 9.7m to 15.9m, with the predominant height around 13.3m. The approved scheme heights range from 10.9m to 13.9m, with the predominant height around 12.9m. A gap of approximately 20m between the west elevation of the building and the back of the footpath along Larch Avenue would be retained, which is comparable to this part of the approved scheme. The proposed ‘Crosley’ building would be closer to the parkland to the east of the site by approximately 5m, but the position of the building in relation to MacKenzie House to the south would be similar to the approved scheme.

- 9.13 On the northern side of Park Avenue, the development would comprise a terrace of three houses (referred to as The Gatehouse), an apartment block of 20 units (with two distinctive elements referred to as Steuart Dorms and The Library), and a row of 4 detached and 4 semi-detached houses, referred to as Scholars Row. The Gatehouse would be approximately 15m back from the site entrance and face Park Avenue, with Scholars Row positioned between this and the apartment building. The L-shaped apartment building would be approximately 7m back from the parkland edge at its closest point.

- 9.14 The Gatehouse would have three-storeys and be approximately 11m high by 20m wide and 10m deep. A row of 4 detached houses within Scholars Row would run perpendicular to The Gatehouse at approximately 13m away. Plots 1 to 3 of the detached houses would have three-storeys and be approximately 11m high and include single integral garages. Plot 4, positioned towards the north-west corner of the site, would also be a three-storey detached house, but with a slightly lower ridge line at approximately 10m and wider frontage; This property would also include a double integral garage. The two-pairs of semi-detached houses at the end of Scholars Row backing onto to the north boundary of the site would also have three-storeys at approximately 11m high and each includes a single integral garage. For comparison, the approved terraced dwellings, located in a similar position to the houses in Scholars Row, would have 4 storeys and a ridge height of approximately 13.5m
- 9.15 The apartment building, comprising Steuart Dorms and The Library, would be approximately 34m wide by 47m deep and vary in height from 10m to 14.4m, with the predominant height at approximately 12.5m. By comparison, the approved Steuart Court apartment building is approximately 46m wide by 51m deep with a predominant height of 12.9m.
- 9.16 Architecturally, the proposal is notably different from the approved scheme which has a contemporary appearance and is more repetitive and symmetrical across the site. By comparison, the current proposal has a more varied layout and is of a more traditional design, which includes a variety of heights, openings, architectural features and detailing. The majority of the new build will be in traditional red brick.

Impact on character of the area

- 9.17 On the southern side of Park Avenue, the proposed scheme would involve a higher density and bulkier form of development compared to the approved scheme. The Parish Council and a number of residents in Larch Avenue and the surrounding area have raised objections to this part of the scheme in particular on the grounds that the scale, bulk and design of the development would be out of character with the 'Villas in a Woodland Setting' character area of Larch Avenue, as identified in the RBWM Townscape Assessment. In addition, a number of objections have raised concerns about the dominant and overbearing and urbanising impact the development would have on the area.
- 9.18 It is material to the consideration of this application that the approved scheme was not considered to have an adverse impact on the character of Larch Avenue and surrounding environment within the 'Villas in a Woodland Setting'. In addition, the proposed development south of Park Avenue would be no closer to Larch Avenue than the approved scheme and the existing mature tree belt along the western boundary is to be retained. In terms of height, the proposed elevation facing towards Larch Avenue would not be materially higher overall than the comparable approved elevation.
- 9.19 The main impact of the proposal development in the context of the character of Larch Avenue would be apparent from the access point where there is a gap in the tree belt, particularly when viewed from the north side of the access. At this point, the scale and density of the proposed development on the south side of Park Avenue compared to development on the west side of Larch Avenue would be apparent. However, when considering the approved development, the impact on Larch Avenue would not be significant. Having regard to the proposed development to the north of Park Avenue, which would have a more open and better relationship to Larch Avenue, and the impact

to the overall townscape area, there would only be limited harm to the character of Larch Avenue.

- 9.20 With regard to the impact of the proposal on the character of the development to the north of the application site, the scheme would effectively open-up the gap between the community care apartments and the proposed houses, thus improving the relationship between the two schemes compared to that previously approved. The design and setting of MacKenzie House to the south of the site would be largely unchanged to the approved scheme. Although this would have a more contemporary appearance to the proposed scheme, the differences would not be materially harmful to the character of the area. Notwithstanding this, the applicant has submitted a non-material amendment application, (which is currently under consideration), in respect of some minor architectural changes to MacKenzie House to make it more architecturally comparable with the proposed development.
- 9.21 The removal of the access road adjacent to the Registered Park and Garden to the east of the site, approved under the original application 18/00356, is a significant improvement of the current proposal. The proposed semi-detached houses located towards Northcote House are also an improvement on the approved scheme. Subject to conditions in respect of materials and hard and soft landscaping, the proposal would not harm the character of the parkland to the east.
- 9.22 Overall it is considered that while there would be harm to the character of Larch Avenue when viewed from the access point and facing south, this harm would be limited and overall the proposal would not be harmful to the character and appearance of the wider area. Further consideration of the potential harm given in the Planning Balance is set out below in section 11 of this report.

Impact on neighbouring amenity

- 9.23 Emerging policy QP3 of the BLP requires that new development does not have an unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight. Paragraph 130 of the NPPF also requires new development to provide a high standard of amenity for existing and future users.
- 9.24 The closest residential property to the proposed development would be at least 40m away on the opposite side of Larch Avenue, behind a mature tree belt and heavily vegetated boundary. Given this separation distance and screening, the proposal would not harm the living conditions of neighbours living to the west of the site in terms of loss of privacy, loss of sunlight or daylight, or from the development appearing dominant and overbearing. No harm to neighbours amenities would arise from the development as a result of light pollution, as external lighting is to be controlled by way of a planning condition, (as with the approved scheme and to reduce any impact on protected wildlife), and any internal lighting in the evening and/or at night would be when curtains or blinds would be closed.
- 9.25 Issues in relation to disturbance, vibration, pollution, dust and smells, which may arise in particular during the construction phase, would be managed by the approved Construction Management Environmental Plan that exists for the redevelopment of Sunningdale Park, including the application site. Any activities arising from the construction or occupation of the site that are a public nuisance could be dealt with under Environmental Protection legislation if necessary.

Provision of suitable residential environment

- 9.26 With regard to the apartment building located to the south of Park Avenue, all apartments would meet the minimum Nationally Described Space Standards (March 2015). In addition, all main living rooms would be outward facing, overlooking communal greenspace, with no neighbouring buildings appearing overbearing, (including MacKenzie House to the south which would be approximately 20m away from the closest living room of the proposed development). None of the apartments would be directly overlooked to such a degree as to cause loss of privacy.
- 9.27 All apartments proposed within the building to the south of Park Avenue would be served by private amenity space in the form of either direct access to open space, (as in the case of some ground floor apartments), or by private balconies. However, the majority of this private amenity space would not comply with the RBWM Borough Wide Design Guide and, although the living rooms are outward facing, the majority of apartments would not have dual aspect as recommended by the Design Guide.
- 9.28 The proposed dwellings in Scholars Row located on the north side of Park Avenue comply with the Nationally Described Space Standards and meet the residential amenity guidelines set out in the Borough's Design Guide. The majority of the apartments proposed in the Steuart Dorms and Steuart Library building would have dual aspect and be provided with sufficient private amenity space. No apartment would be adversely affected by loss of privacy, nor suffer from any neighbouring development being overbearing.
- 9.29 As with the impact on the character of the area, the aspect and private amenity space provided by the approved scheme is material to the consideration of this proposal. In particular, some of the apartments approved would have had private amenity space below the current Design Guide requirements. In addition, regard should be given to the large amount of open space provided by the adjoining parkland, which will provide ample space for residents to exercise. Having regard to these matters, any harm caused would be limited.

Highway considerations and parking provision

- 9.30 Policy T5 of the Local Plan states that all new development proposals would need to comply with the Council's adopted highway design standards, and Policy P4 states planning permission will only be granted where the proposal demonstrates that the proposed parking provision meets the Borough's standards, to prevent any unacceptable impact on the local highway network. Policy NP/T1 of the Neighbourhood Plan also requires developments make adequate provision for parking and access, and that on-street parking must not be relied on.
- 9.31 Access to the application site would be provided by a new access point off Larch Avenue and as approved under application 18/00356/FULL. No alterations to this access point are proposed under the current application.
- 9.32 The proposal would provide for 204 parking spaces, comprising 93 surface spaces and 111 undercroft spaces, including 9 unallocated spaces for visitor car parking. The proposed parking provision represents an increase of 32 car parking spaces over the extant permission. The Highway Authority has advised that the proposed parking complies with the maximum standards adopted in the Borough's Parking Strategy.
- 9.33 A number of objections received express concerns that the development could lead to a dangerous increase in parking along Larch Avenue, however it is material to the consideration of the application that national planning policy encourages lower parking

standards to encourage sustainable modes of transport and reduce car-borne trips. In this case, as the proposal complies with the Borough's maximum standards, it should not result in any overspill of parking on to Larch Avenue.

- 9.34 The submitted Transport Statement advises that without the parkland parking, (that is the separate car parking accessed via Silwood Road provided for members of the public to access the SANG), the proposal would lead to an increase in 10 two-way trips during both the am and pm peak hours. Without the parkland parking, the proposal would lead to an increase of 11 two-way trips in the am hours and 12 two-way trips in the pm hours. The predicted additional traffic resulting from the proposal is based on traffic flows estimated in relation to the traffic flows that would have been associated with the former hotel, training, conference and B1 offices uses of the site at full occupancy.
- 9.35 It is important to note that the predicted traffic flows are correctly based on the former uses of the site at their maximum capacity/occupancy. A number of objections received question whether the proposal would have a minimal impact on surrounding roads, and indeed raise concerns that the additional traffic would have a significant impact. However, in the years leading up to Sunningdale Park being vacated, the facilities were being wound-down and thus the associated traffic levels would have been markedly reduced compared to what they potentially could have been if the facilities were occupied at full capacity. In turn this may have led to the perception that traffic flows associated with the former use of the site were significantly less than the proposal. Overall, the Highway Authority has advised that it has considered the traffic and transportation information submitted with the application and is satisfied that the proposal would not have an unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe, having regard to paragraph 111 of the NPPF.
- 9.36 The application would provide 96 covered and secure cycle parking spaces which accords with the Borough's adopted standards. The application also proposes two additional parking spaces within the visitors car park for the SANG being provided at Sunningdale Park. The proposed change in tenure of 3 dwellings within MacKenzie House does not require any additional car or cycle parking.

Environmental considerations

- 9.37 The Council's Interim Sustainability Position Statement (ISPS) and Policies SP2 and QP3 of the emerging Borough Local Plan require developments to be designed to incorporate measures to adapt to and mitigate climate change.
- 9.38 The buildings related to the former use of the application site have been demolished and works have commenced on site. However, the applicant has agreed to submit an energy statement for the development, which would include a calculation of the energy demand and carbon emissions and that, as a minimum, the development shall achieve a reduction of at least 20% against the Target Emission Rate based on Building Regulations Part L 2013 and defined within the Standard Assessment Procedure. If net-zero emissions cannot be achieved on site, the applicant has agreed to provide an offset contribution to the Council's Carbon Offset Fund, unless it is demonstrated that this would undermine the viability of the development. This can be secured by planning condition and with the inclusion of a relevant clause in a s.106 agreement to cover any necessary financial contributions.
- 9.39 In addition to the above, each of the new houses would be provided with electric vehicle charging points and four communal charging points would be provided for the

apartments, with the possibility of further provision subject to local capacity and feasibility. The whole of the development would be provided with high speed internet connection and water reduction methods, such as dual flush WCs and flow regulated taps and showers would be incorporated into the development.

- 9.40 A Flood Risk Assessment has been submitted with the application. As the site is within Flood Zone 1, it is not at risk from fluvial flooding. The main flood risk would be from any increase surface water runoff.
- 9.41 The Lead Local Flood Authority requested additional information with regard to the proposed flood mitigation measures and its response to this additional information is currently awaited and will be reported to the Committee in an update report. Notwithstanding this, the approved scheme was subject to a planning condition requiring full details of the surface water drainage scheme, based on sustainable drainage principles, to be submitted and approved by the Council prior to commencement of the development and, in the circumstances, it is appropriate and necessary that this condition be imposed on any permission granted under the current application.

Ecological issues

- 9.42 Paragraph 174 of the NPPF states new development should minimise impacts on and provide net gains for biodiversity. Similarly, emerging policy NR2 in the BLP outlines that development proposals are expected to demonstrate how they maintain, protect and enhance the biodiversity of application sites. Policy NP/EN4 of the Neighbourhood Plan requires development proposals to seek to enhance biodiversity and, where there is evidence of the existence of protected species, must include mitigation measures to minimise and compensate for any likely impact.
- 9.43 The planning permission granted for the approved scheme, of which the application site forms part, includes a number of conditions to minimise the impact of the development on protected species and to secure biodiversity enhancements across the site, (specifically condition 18 (biodiversity enhancements), 19 (external lighting strategy), 20 (reptile mitigation measures), conditions 21 and 22 relating to badger protection and mitigation measures, 23 (protected species mitigation measures) and 24 (removal of invasive non-native species). In order to enable site clearance under the current permission, conditions in respect of protected species, (the surveys for which were time-sensitive) have been partially discharged with the approved mitigation measures already in place. Accordingly, it is recommended that these mitigation measures are continued to be secured by conditions as previously approved.
- 9.44 Likewise conditions in respect of biodiversity enhancements, an external lighting strategy and removal of invasive non-native species would ensure the proposed development would protect and enhance biodiversity across the site.

Impact on important trees

- 9.45 Policy N6 of the Local Plan requires applications for new development to include a detailed tree survey where existing trees are a feature of the site and, wherever practicable, to allow for the retention of existing suitable trees. In addition, measures to protect retained trees should be included together with appropriate additional tree

planting and landscaping scheme. Policy NP/EN2 of the Neighbourhood Plan states that proposals should seek to retain important or mature trees and, where removal is proposed, a replacement of a similar amenity value should be provided. Additional trees should also be included where possible with an indicative planting scheme demonstrating sustainable planting.

- 9.46 All trees within the application site are covered by an area Tree Preservation Order and the original application 18/00356 was accompanied by a detailed tree survey and arboricultural impact assessment. The extant permission includes a condition requiring a Tree Protection Plan to be submitted and approved prior to the commencement of each phase of the development which, for the phase to which the application site relates, has been approved under conditions application 20/00328.
- 9.47 The current proposal does not involve the removal of any trees over and above that approved under the extant permission. The relationship of the proposed development to the mature tree belt along the western boundary of the site would be improved compared to the approved scheme, and would be protected during construction in accordance with measures set out in the approved Tree Protection Plan. In addition, the submitted drawings demonstrate that the proposed development would be outside the root protection areas of retained trees located further into the site.
- 9.48 It is considered that, subject to conditions relating to tree protection and hard and soft landscaping, the application is acceptable in this respect.

Impact on heritage assets

- 9.49 The application site lies adjacent to a grade II Registered Park and Garden in which Northcote House, a grade II listed building, together with its associated buildings are located. Paragraph 199 of the NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss of less than substantial harm to its significance.
- 9.50 The application is accompanied by a Heritage Statement and a Landscape and Visual Impact Assessment. The Council's Conservation Officer has advised that the current revised scheme is an improvement on that previously agreed in terms of its design and layout and that the scheme will have no greater impact on the setting, and hence the significance, of the adjacent heritage assets than that previously approved. Accordingly, no objection is raised to the proposal in terms of its impact on heritage assets.

Affordable housing

- 9.51 The previous planning permission 18/00356/FULL for 168 dwellings included 38 affordable flats for shared ownership in Mackenzie House (a block of 41 flats with 3 market flats on the top floor). The 38 affordable homes were only 23% of the total and was reduced by a factor of 0.75 due to existing dwellings on site and applying Vacant Building Credit. The sole tenure of shared ownership was considered acceptable for various reasons including it being impractical to have 3 tenures in a single block which a Registered Provider would not accept (social rent, shared ownership and market).
- 9.52 The current application is for 96 dwellings, an increase of 22 dwellings compared to the extant permission. The 30% affordable housing quantum would provide 7 dwellings and, applying the same 0.75 Vacant Building Credit, reduces the figure to 5 affordable

dwellings. There has been correspondence and a meeting in April with RBWM and the applicant, Berkeley Homes, to highlight and explore various options for delivering the additional 5 affordable homes. An Affordable Housing Statement is included as Appendix 3 to the Planning Statement and it has been agreed that:

- (1) Three additional flats for shared ownership will be included at Mackenzie House (38 + 3 = 41). This would now be a single tenure block of 41 flats and be delivered in Phase 3.
- (2) Two affordable flats will be the subject of a financial contribution in lieu of on-site provision. The formula is contained in Figure 1 of the Affordable Housing Planning Guidance Document 2016. Based on 2x 2-bed flats which each have an open market value of £420,000, the financial contribution would be £290,000.

- 9.53 The additional affordable homes and financial contribution will be the subject of appropriate clauses in the Section 106 agreement. It is considered that the proposed affordable housing contribution is acceptable given what was agreed under the extant permission.

Other Material Considerations

- 9.54 An Environmental Statement (ES) was submitted with the previous full planning application 18/00356/FULL, which the application site formed part of. Further to an Environmental Impact Assessment (EIA) Screening Request, officers advised that the current proposal would not constitute EIA development and therefore a new ES would not be required to accompany this application.
- 9.55 A desk based archaeological assessment accompanied planning application 18/00356/FULL and found that that the site would have limited capacity to yield material of significance and, as such, the overall value of the buried archaeological resource was considered low to moderate. A subsequent archaeological evaluation report submitted to discharge condition 28 of 18/00356/FULL concluded that the low density and low significance of the archaeological material found during the evaluation indicated that further archaeological mitigation in relation to the development proposals would be unnecessary. Accordingly, and in consultation with Berkshire Archaeology, the Council determined that the report's findings were sufficient to fully discharge the archaeological condition and confirmed that no further archaeological mitigation was required. The proposed development will not have any additional archaeological impact than has already been assessed and therefore no further mitigation will be necessary.
- 9.56 The application site is located within 5km of the Thames Basin Heaths Special Protection Area (SPA). In order to mitigate the additional recreational pressures on the SPA resulting from additional housing development, a Suitable Alternative Green Space (SANG) is required. In this case, the proposal would provide 2.03 hectares of SANG in addition to the previously approved 16.97 hectares, thus a total of 19 hectares of SANG, which would not only provide for the total residential development at Sunningdale Park, but would also provide for other housing developments coming forward in the SPA catchment of the Borough. The application is accompanied by a management plan for the SANG which is acceptable.

Housing Land Supply

- 9.57 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.*

9.58 Footnote 8 of the NPPF (2021) clarifies that:

‘This includes, 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, as set out in paragraph 74)’

9.59 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 (2021). At the time of writing, the Council is unable to demonstrate a 5 year housing land supply with the appropriate buffer. In addition, there are no restrictive policies relevant to the consideration of this application which would engage section d(i) of paragraph 11 of the NPPF. Accordingly, the ‘tilted balance’ is engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is CIL liable. The net internal area of the development subject to CIL would be 13,697 square metres minus social housing relief (if applicable).

11. VERY SPECIAL CIRCUMSTANCES AND PLANNING BALANCE

11.1 As set out above, the proposal is considered to be inappropriate development within the Green Belt and therefore would only be acceptable if there were very special circumstances to outweigh the harm.

The harms identified in this report are:

- Inappropriate development within the Green Belt which should be given substantial weight.
- Limited harm to the openness of the Green belt which should be given limited weight.
- Limited harm to the character of the area from glimpsed views into the site from Larch Avenue which should be given limited weight.
- Limited harm from a shortfall in private amenity space which should be given limited weight.

The very special circumstances which are considered to exist in this case are:

- The provision of 96 homes which should be given significant weight

- The provision of SANG to provide for the proposed units and 85 additional units supporting housing delivery within the Borough which should be given significant weight.
- The extant planning permission which is a realistic fall back and should be given significant weight.

It is considered that the Very Special Circumstances would therefore outweigh the harms identified in this case and would justify granting planning permission in accordance with the NPPF. There are no adverse impacts of granting planning permission which would significantly and demonstrably outweigh the benefits.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Site layout plan
- Appendix C – Crosley Classrooms and The Chapel proposed elevations
- Appendix D – Crosley Hall and The Great Hall proposed elevations
- Appendix E – The Gatehouse proposed elevations
- Appendix F – Scholars Row proposed elevations
- Appendix G – Steuart Dorms and Steuart Library proposed south and west elevations
- Appendix H – Steuart Dorms and Steuart Library proposed north and east elevations

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within two years from the date of this permission.
Reason: The proposal will bring forward Suitable Alternative Natural Greenspace (SANG) which will make a significant contribution to SANG provision for the Borough and assist the Council in the delivery of the Borough Local Plan.
- 2 No development shall take place above slab level until details of the materials to be used on the external surfaces, of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies Local Plan DG1, H10, H11; Neighbourhood Plan NP/DG3; Borough Local Plan Policy QP3.
- 3 Prior to installation, full details of both hard and soft landscape works shall be 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 Registered Park and Garden and to the character and appearance of the area. Relevant Policies - Local Plan HG1, DG1.
- 4 The development shall be implemented and maintained in accordance with the Tree Protection Plan and Method Statement approved under 20/00328/CONDIT.
Reason: To ensure the adequate protection of trees. Relevant Policies - Local Plan N6, NP/EN2.
- 5 A detailed servicing strategy, including for refuse and recycling collection for the development shall be submitted to and approved in writing by the Local Planning

- Authority. The development shall be carried out in accordance with the approved plans and strategy unless otherwise agreed in writing with the Local Planning Authority.
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.
- 6 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawings. The space approved shall be retained for parking in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would be detrimental to the free flow of traffic and to highway safety. Relevant Policies: Local Plan P4, DG1.
- 7 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved details. 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.
- 8 The development shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) approved under application 20/00315/CONDIT.
Reason: In the interests of highway safety, the free flow of traffic and the amenity of the surrounding occupiers. Relevant Policies: Local Plan T5.
- 9 The bespoke SANG shall be fully implemented prior to the occupation of any residential dwelling unless any variation is first agreed in writing with the Local Planning Authority.
Reason: To adequately mitigate the impact of the development on the Thames Basin Heath Special Protection Area.
- 10 Prior to the occupation of any dwelling, details of biodiversity enhancements, to include bird and bat boxes, tiles or bricks on and around the new buildings, and gaps at the base of fences to allow mammals to traverse through the site, shall be submitted to and approved in writing by the Local Planning Authority. The enhancements shall thereafter be implemented and maintained as approved.
Reason: To incorporate biodiversity in and around developments in accordance with paragraph 174 of the NPPF.
- 11 Prior to occupation, a 'lighting design strategy for biodiversity' shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- a. Identify those areas/features on site that are particularly sensitive for bats and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
 - b. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory. Foraging habitat or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and there shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.
Reason: To mitigate the impact of the development on the ecology of the site and to provide biodiversity enhancements in accordance with the NPPF.
- 12 The reptile mitigation measures, as approved under application 18/00356/FULL, shall

- be fully implemented throughout the development including the construction phase unless any variation is first agreed in writing with the Local Planning Authority.
Reason: To mitigate the impact of the development on the ecology of the site and to provide biodiversity enhancements in accordance with the NPPF.
- 13 The badger mitigation measures, as approved under application 18/00356/FULL, shall be fully implemented throughout the development including the construction phase unless any variation is first agreed in writing with the Local Planning Authority.
Reason: To mitigate the impact of the development on the ecology of the site and to provide biodiversity enhancements in accordance with the NPPF.
- 14 Prior to installation, a surface water drainage scheme for the development, based on sustainable drainage principles shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
- i. Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.
 - ii. Supporting calculations confirming compliance with the Non-statutory Technical Standards for Sustainable Drainage Systems, proposed discharge rates and attenuation volumes to be provided. The supporting calculations should be based on infiltration testing undertaken in accordance with BRE365.
 - iii. Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.
- The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.
Reason: To ensure compliance with the National Planning 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.
- 15 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to B have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.
- A. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: a survey of the extent, scale and nature of contamination; as assessment of the potential risks to: human health property (existing or proposed) including buildings, crops, livestock, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments: an appraisal of remedial options, and proposal of preferred option(s).
This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11'.
- B. Submission of Remediation Scheme. If required, a detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken,

proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the occupation of any unit, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and submitted within two months of the completion of the development to the Local Planning Authority for written approval.

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, within 2 months of completion of the development, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

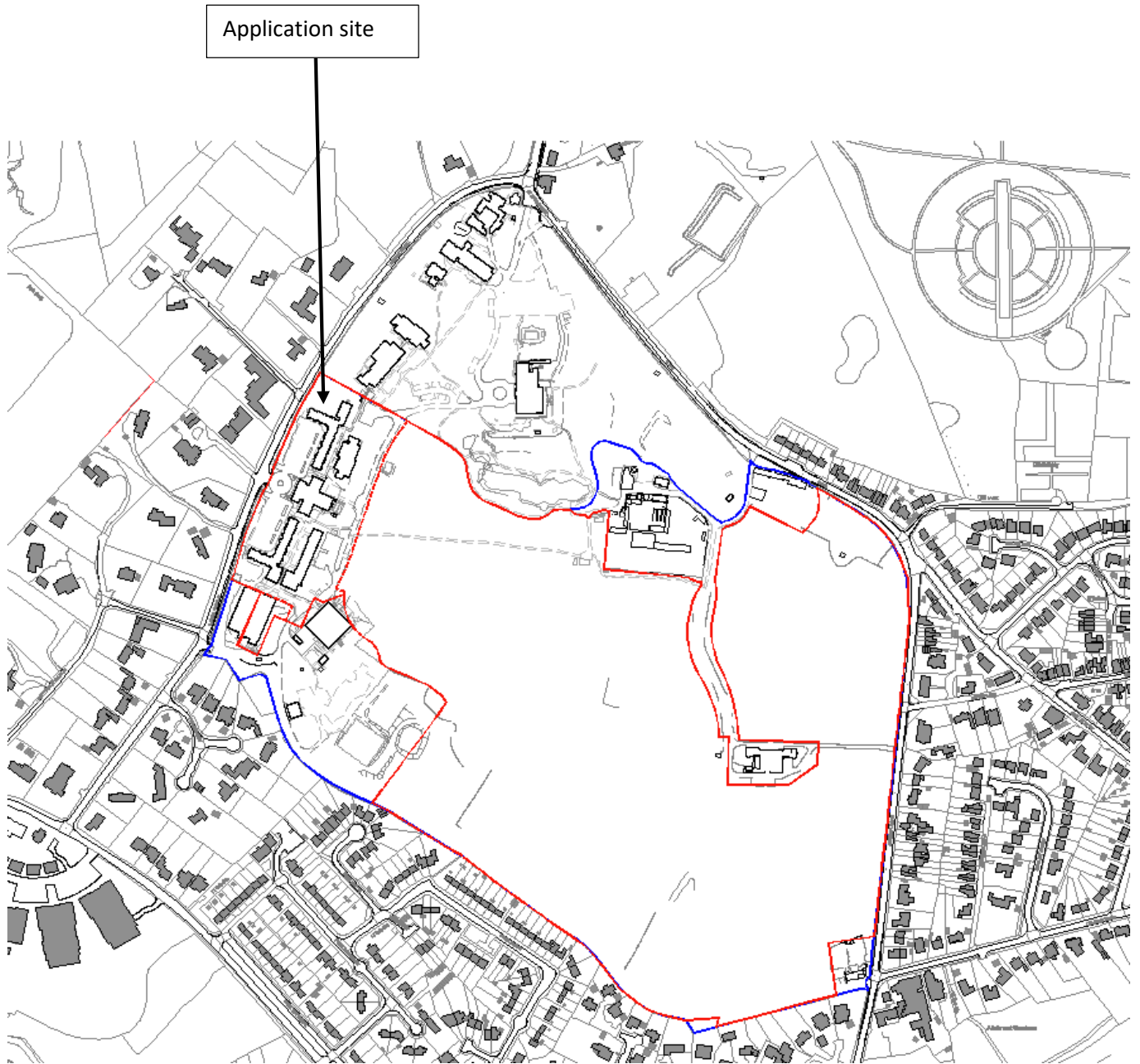
Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,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

16 Prior to above ground works, an energy statement for the development which includes a calculation of the energy demand and carbon dioxide emissions covered by Building Regulations shall be submitted to and approved in writing by the Local Planning Authority. As a minimum the energy performance requirements for the development shall achieve a reduction of at least 20% against the Target Emission Rate (TER) based on the Building Regulations Part L 2013 and defined within the Standard Assessment Procedure (SAP). Where net-zero carbon emissions cannot be achieved on-site for the development, an offset contribution based on the formula set out in the Council's Interim Sustainability Statement, March 2021, shall be made to the Council's Carbon Offset Fund, unless it can be demonstrated this would undermine the viability of the development.

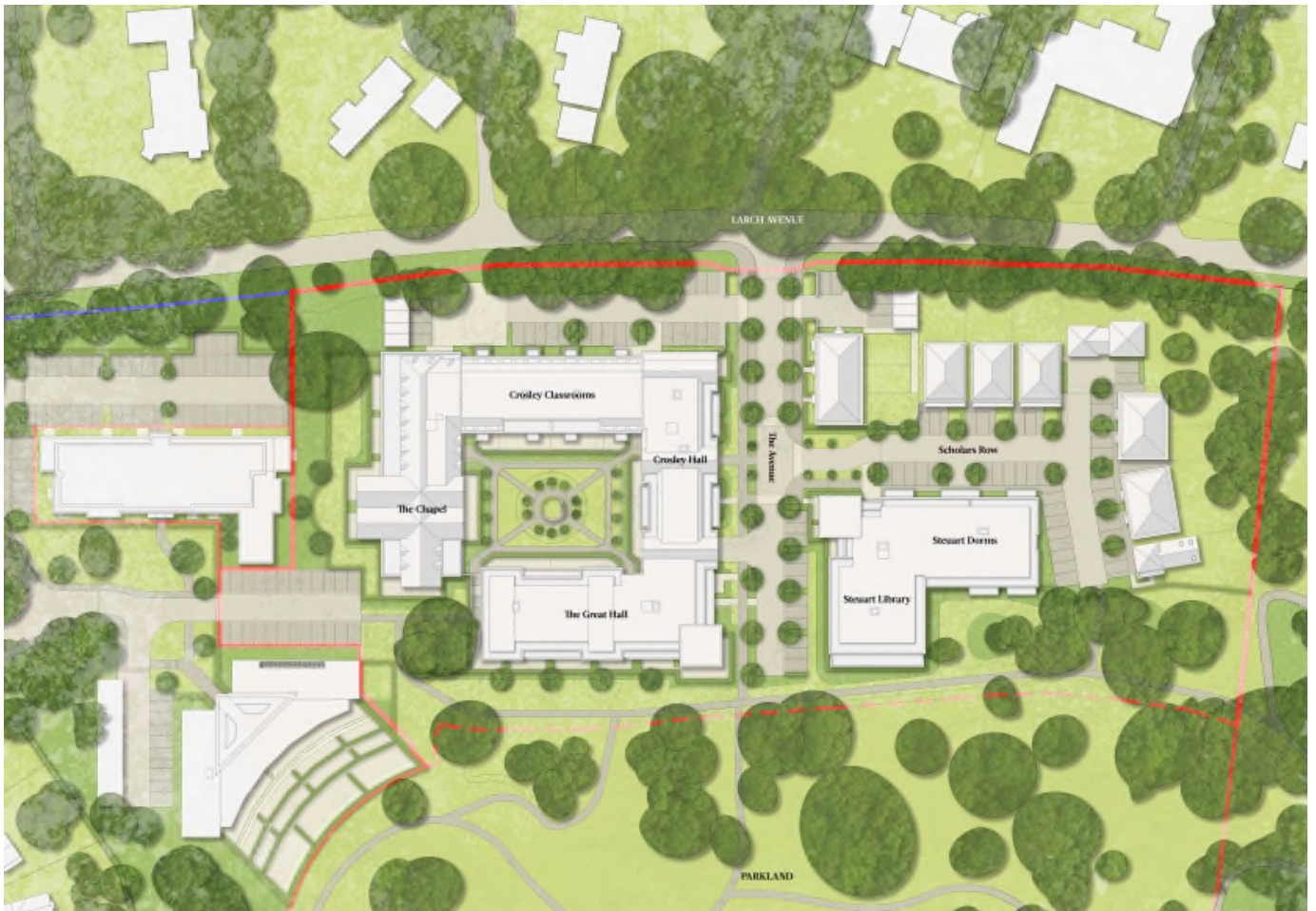
Reason: In order to comply with the Council's Interim Sustainability Statement, March 2021, emerging policy SP2 of the Borough Local Plan, the Council's adopted Environment and Climate Strategy, December 2020 and Chapter 14 of the NPPF, which seek to reduce carbon dioxide emissions from new development in the borough.

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

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



Appendix B
Site Layout



Crosley Classrooms and The Chapel Proposed Elevations



Southern Elevation 3

The Chapel – Facing south towards MacKenzie House



Western Elevation 4

Crosley Classrooms – Facing west towards Larch Avenue

Crosley Hall and The Great Hall



Northern Elevation 1

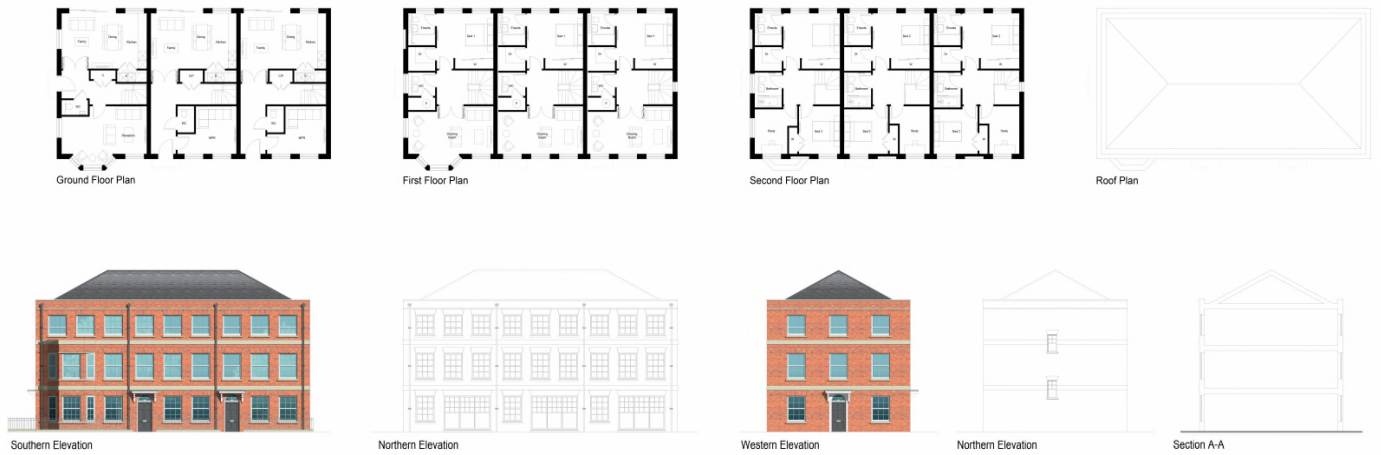
Crosley Hall – Facing north towards Park Avenue



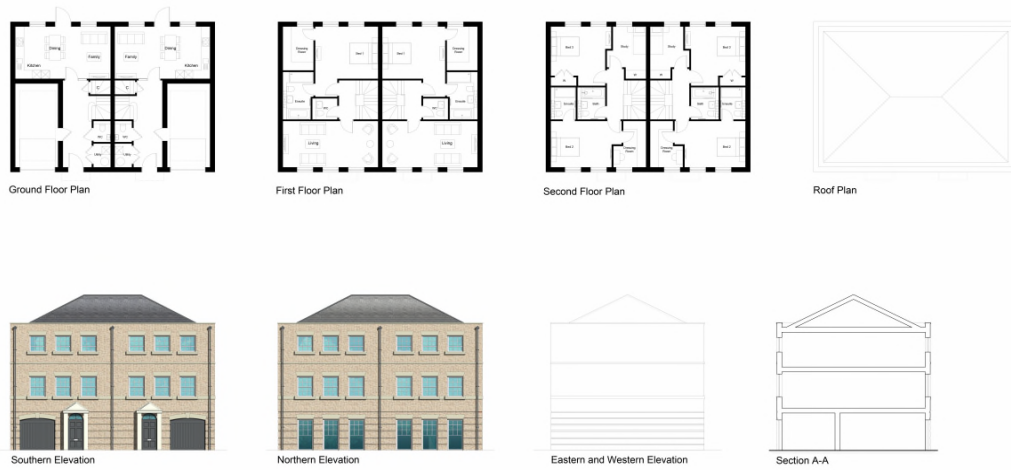
Eastern Elevation 2

The Great Hall – Facing east towards parkland

The Gatehouse & Scholars Row – Semi-Detached Houses



The Gatehouse

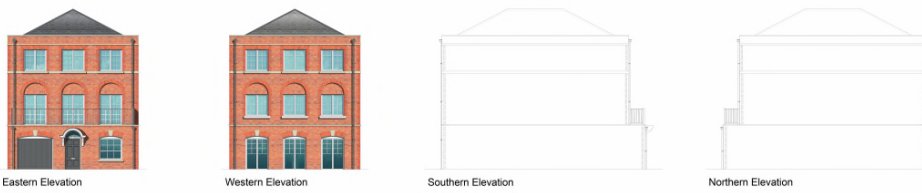


Plots 5-8

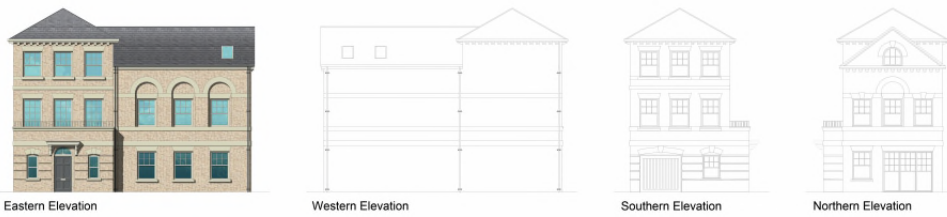
Scholars Row – Detached Houses



Plots 1-3



Plot 9



Plot 4



Steuart Dorms and The Library Elevations



Southern Elevation 3

Steuart Dorms & Library facing east towards Park Avenue



Western Elevation 4

Steuart Dorms facing west towards Scholars Row

Steuart Dorms and The Library Elevations



Northern Elevation 1

Steuart Dorms & Library facing north towards Scholars Row



Eastern Elevation 2

Steuart Dorms & Library facing east towards parkland

DEVELOPMENT CONTROL PANEL

1 December 2021

Item: 3

Application No.:	21/02302/OUT
Location:	Land Fronting North Bank of Thames And Accessed Between 66 And 68 Wraysbury Road Staines
Proposal:	Outline application for a river boat slipway and dry dock including a dock manager's first floor apartment for security, with all matters reserved.
Applicant:	Mr French
Agent:	Mr Ian Benbow
Parish/Ward:	Wraysbury Parish/Datchet Horton And Wraysbury
If you have a question about this report, please contact: Briony Franklin on 01628 796007 or at briony.franklin@rbwm.gov.uk	

1. SUMMARY

- 1.1 This application seeks outline consent to construct a boatyard comprising a slipway and dry dock served by a river inlet created from the banks of the River Thames in Wraysbury. All matters are reserved for subsequent approval including access, layout, scale, appearance and landscaping. The boatyard is understood to be required for statutory annual boat inspections and to provide facilities to inspect barges and houseboats. The proposal includes a large semi-enclosed building and includes a dock manager's first floor apartment for security. The site lies on the northern bank of the River Thames on the eastern fringes of Wraysbury. Vehicular access is gained from Wraysbury Road.
- 1.2 The site lies within the designated Green Belt. The proposed development does not fall within the list of specified exceptions for development set out in Paragraphs 149 or 150 of the National Planning Policy Framework (revised 2021). The proposal therefore constitutes inappropriate development and harm to the Green Belt is afforded substantial weight.
- 1.3 The site lies within Flood Zone 3b (functional flood plain). Whilst the boatyard would be a water compatible use, the residential development in the form of a dock manager's apartment is unacceptable in principle in the functional flood plain. The site specific flood risk assessment is inadequate. The proposal fails to demonstrate that there are no other reasonably available sites for the proposed development within an area at lower risk of flooding, and furthermore, fails to demonstrate that there would not be an increase flood risk elsewhere.
- 1.4 During the course of the application a preliminary ecological impact assessment (Desktop study) and a letter from a tree consultant have been provided. Subject to the final views of the ecology officer it is considered that the information supplied is inadequate to demonstrate that the proposal would not have an adverse impact on ecology and trees. Based on the design proposals accompanying the application the proposal would have a detrimental impact on the riparian setting of the River Thames and the sylvan character and appearance of the site. It has also not been adequately demonstrated that the proposal would not emit unacceptable levels of noise, smell or fumes beyond the site boundaries to the detriment of the living conditions of neighbouring residents. There are also concerns as to the suitability of the access.

- 1.5 The NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances. It further explains that 'Very Special Circumstances' (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. It is not considered that VSC exist in this case that would outweigh the substantial harm to the Green Belt by reason of inappropriateness and any other harm. The application is recommended for refusal.

<p>Subject to the views of the ecology officer on the preliminary ecological impact assessment it is recommended that the Panel REFUSES planning permission for the following summarised reason (the full reason is identified in Section 13 of this report):</p>	
1	<p>The application site lies within the designated Green Belt. The proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. Furthermore, the proposal would result in harm to the openness of the Green Belt and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'. No Very Special Circumstances have been demonstrated that clearly outweigh the harm and any other harm. The proposal is therefore contrary to paragraphs 147, 148 and 149 of the National Planning Policy Framework (2021), saved policies GB1, GB2(a) and GB3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003) and emerging policy QP5.</p>
2	<p>The application site falls within Flood Zone 3b (functional flood plain) wherein residential development is unacceptable in principle.</p> <p>The proposal fails to demonstrate that there are no other reasonably available sites appropriate for the proposed development within a lower risk of flooding. The application therefore fails the sequential test.</p> <p>The FRA does not meet the requirements for site-specific flood risk assessments as set out in paragraphs 30-32 of the PPG and does not adequately assess the flood risks posed by the development. It has not been adequately demonstrated the proposed development will not result in a loss of flood storage or impedance of flood flows to ensure flood risk is not increased elsewhere and it has not been adequately demonstrated that the proposed development would be safe for its lifetime.</p> <p>For these reasons, the proposal is contrary to Policy F1 of the adopted Royal Borough of Windsor and Maidenhead Local Plan 1999 (including adopted alterations 2003), emerging policy NR1 of the Borough Local Plan (Main Modifications 2021) and paragraphs 163 - 173 of the National Planning Policy Framework 2021.</p>
3	<p>It has not been adequately demonstrated how the proposal would conserve and enhance the ecological value of the site and surroundings and as such the proposal is contrary to Neighbourhood Plan policy NP/OE2 and emerging policies QP4 and NR2.</p>
4	<p>In the absence of a detailed Arboriculture Report, Tree Constraints Plan and Tree Protection plan it has not been possible for the Local planning Authority to fully assess the potential arboriculture related issues arising from the proposal. The scheme is therefore contrary to the aims of Policies DG1 and N6 of the Local Plan and emerging policies QP3 and NR2 of the Borough Local Plan (Main Modifications Version)</p>
5	<p>In the absence of a Noise Impact Assessment it has not been adequately demonstrated that the proposal would not emit unacceptable levels of noise, smell or fumes beyond the site boundaries and would not have an unacceptable impact on the living conditions of any neighbouring residents. The proposal is therefore contrary to Local Plan policy NAP3 and emerging policies QP3, EP1 and EP4.</p>

2. REASON FOR PANEL DETERMINATION

- 2.1 The Council's Constitution does not give the Head of Planning delegated powers to determine applications for major development; such decisions can only be made by the Committee.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site lies on the northern bank of the River Thames in Wraysbury, close to the M25 motorway and the M25/A30 Bridge over the river. The site comprises a large plot of land which fronts onto the river and is accessed from Wraysbury Road via a private, long, narrow, gated shared driveway. The site comprises deciduous woodland with a central grassed area. Trees also run along the river bank. The site is sylvan in character and appearance. Views of the site are available from the opposite side of the river bank from the Thames Path.
- 3.2 The site lies to the south west of Queensmead Lake, a former gravel workings. There is a residential property, The Holm which lies to the east of the site and a residential property, number 68 Wraysbury Road which lies close to the site entrance. A commercial business, Logistic Freight Services lies to the west of the site entrance. The site lies close to the boundaries of Spelthorne Borough Council and Runnymede Borough Council.

4. KEY CONSTRAINTS

- 4.1 The site lies within the Green Belt and Flood Zone 3.
- 4.2 The site also lies within the Colne Valley Regional Park and the setting of the River Thames. Protected Species have been identified in the area and the trees are covered by an Area Tree Preservation Order.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 Outline consent is sought to construct a boatyard comprising a slipway and dry dock which would be served by a river inlet created from the river bank. The application form identifies that all matters are reserved for subsequent approval including access, layout, scale, appearance and landscaping. However, the application has been accompanied by a location plan, block plan and a Design and Access Statement which includes indicative details of the scale, layout and appearance of the development.
- 5.2 The development would comprise a large building/structure which would cover and partly enclose a slipway and dry dock. It would be constructed using 27 piles put into the ground. The covered steel frame structure is designed with open sides and a green, living wall installed 1.5m above ground level. The building would incorporate an office/store and a one bed, first floor manager's flat for security. Elevated walkways and stairways are proposed together with a ramp. The parking area would be constructed using grasscrete, a porous self-draining hard standing. A boat lifting gantry is also proposed. Other proposed features would include:
1. Riverbank and mooring bay bank protection using stone filled gabions and coir rolls.
 2. Re-wilding of the remainder of the site.
 3. Solar panels on the roof
 4. River turbine electrical generator.

As well as having direct access from the river, the site would also be served by an existing long, private, narrow driveway from Wraysbury Road which is shared with the neighbouring residential property, The Holm. The site entrance lies between numbers 66 and 68 Wraysbury Road.

5.3 The proposed facility is understood to be required to meet the demand for annual statutory boat inspections particularly for larger commercial craft operating on the non-tidal stretch of the Thames. It is also proposed to provide facilities to inspect large barges and houseboats as well as provision for lifting smaller vessels out of the water with the use of a gantry. The machinery required includes a pumping system for the dry dock and a winching system for the trolleys on the slipway.

5.4 The relevant planning history is set out as follows:

Reference	Description	Decision
19/00334/FULL	Construction of x1 dwelling	Withdrawn 16.06.19

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 & GB3
Character and Appearance	DG1, N2
Highways	P4, T5
Trees	N6
Noise Pollution	NAP3
Ground and surface water pollution	NAP4
Archaeology	ARCH2, ARCH3, ARCH4
Flood Risk	F1

6.2 **Horton & Wraysbury Neighbourhood Plan (2018 – 2033)**

Issue	NP Policy
Management of the Water Environment	SUSTEV 02
Landscape	OE1
Ecology	OE2

7. MATERIAL PLANNING CONSIDERATIONS

7.1 **National Planning Policy Framework Sections (NPPF) (2021)**

Section 12 – Achieving Well-Designed Places

Section 13 – Protecting Green Belt Land

Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15 – Conserving and Enhancing the Natural Environment

7.2 **Borough Local Plan: Main Modifications Version (July 2021)**

Issue	BLP MM Version Policy
Climate Change	SP2
Character and Design of New Development	QP3
River Thames Corridor	QP4
Rural Development	QP5
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodland and Hedgerows	NR3
Environmental Protection	EP1, EP3, EP4, EP5
Sustainable Transport	IF2

7.3 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

- a) *The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

7.4 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. 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 were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector's post hearings advice letter was received in March 2021. The consultation on the Main Modifications has recently closed.

7.5 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 9 of this report.

8.0 CONSULTATIONS CARRIED OUT

8.1 The application has been advertised as a major development in the local press on the 12th August 2021 and a site notice was posted on the 19th August 2021.

Comments from interested parties

8.2 9 neighbouring occupiers were notified directly of the application.

8.3 One letter from the occupier of Holm House raised the following issues, summarised as follows:

Comment	Where in the report this is considered
2.0 Driveway is shared with Holm House and 68 (Kotan Lodge) Wraysbury Road – it is not suitable for two way traffic – it was never intend for heavy traffic or commercial use.	Paragraphs 9.38-9.40
11 Wraysbury Road is notorious for accidents.	9.38-9.40
12 Restricted visibility from access.	9.38-9.40
13 Increase in traffic on drive – implications for pedestrians, cyclists and motorists.	9.38-9.40
14 If new development needs access for larger vehicles or towing trailers a new separate access may be required.	9.38-9.40
15 Existing driveway would need to be widened.	9.38-9.40
16 Flooding occurs regularly – frequency of higher flood waters is increasing. Need to ensure that proposal will not increase the frequency and/or severity of flooding in the surrounding area.	9.9-9.18
17 The site is not derelict – it comprises trees and dense undergrowth and is a haven for wildlife.	9.31-9.34
18 Environmental damage needs to be minimised.	9.22-9.27

8.4 Three letters of support, one from The Barge Association, one from The Passenger Boat Association and one from Salter's Steamers Ltd have been received, summarised as:

Comment	Where in the report this is considered
1. The facility is desperately needed by commercial boating businesses and barge owners.	Paragraphs 9.44-9.49
2. Dramatic reduction in boatyards that can cope with bigger boats	9.44-9.49
3. Demand has increased due to improvements in public safety and inspections of passenger boats every year.	9.44-9.49
4. Redevelopment of boatyards has worsened situation	9.44-9.49
5. The EA has suspended use of boat lift at Thames & Kennet at Reading as well as dry dock at Sunbury – no large vessels can be taken out of the water on the upper Thames.	9.44-9.49
6. Proposal would provide excellent new facility for docking/slipping of boats on the non-tidal Thames	9.44-9.49
7. The EA objection on flooding grounds is unfounded.	9.9-9.18
8. Salter's Steamers have their own facility in Oxford, but new facility would be useful for mid-season breakdowns	9.44-9.49
9. Isolated site adjacent to M25 and industrial activities is an ideal location for new facility.	9.44-9.49
10. Boatyard security is very important and live-in manager is useful.	9.11

Statutory Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	Object and recommend refusal.	Paragraphs 9.9-9.18

Consultees

Consultee	Comment	Where in the report this is considered
Wraysbury Parish Council	This outline application is supported by the Parish Council with the reservation to submit further comments on any full planning application.	
Lead Local Flood Authority	Further information is required to determine surface water run-off rate and discharge.	9.19-9.21
Highways Section	The proposal raises no highway concerns – a Construction Management Plan (CMP) needs to be secured.	9.38-9.40
Environmental Protection	A condition to restrict rating level of noise emitted from the site needs to be secured to protect residential amenity. Informatives relating to smoke and dust control also need to be secured.	9.35-9.37
Ecology	Initial comments: Refuse of the grounds that insufficient information has been provided to determine the likely impact of the proposal upon protected species. Comments on preliminary ecological impact assessment: Awaited.	9.22-9.27
Highways England	No objection but request to be consulted on any future Construction Environmental Management Plan (CEMP)	Noted
Spelthorne Borough Council	No comments received	
Runnymede Borough Council	No objection	
Archaeology Officer	Potential archaeological implications associated with the proposed scheme – condition recommended	9.41

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i. Green Belt
- ii. Flood Risk
- iii. Ecology
- iv. Trees
- v. Impact on character and appearance
- vi. Residential Amenity
- vii. Highway Safety and Parking
- viii. Archaeology

- ix. Sustainability
- x. Very Special Circumstances

i Green Belt

9.2 The site lies within the designated Green Belt. The Government attaches great importance to Green Belts. 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 Paragraphs 147 and 148 of the NPPF states:

'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

'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, is clearly outweighed by other considerations.'

9.4 Local Plan policy GB1 provides a list of development which would be acceptable in the Green Belt. Local policy GB2 reinforces the qualifications on openness and purposes, stipulating that permission will not be granted for development if it would have a greater impact on the openness of the Green Belt, or the purposes of including land in it, than the existing development. Local Plan policy GB3 states there will be a general presumption against allowing proposals for residential development except in certain circumstances. Whilst the policies are not wholly consistent with the Framework Policy GB2 (a) is almost identical to that of the NPPF and is essentially compliant with the aims and objectives of the NPPF. Emerging policy QP5 is consistent with the NPPF and seeks to protect the Green Belt against inappropriate development unless very special circumstances can be demonstrated.

9.5 The proposal seeks outline consent to construct a river boat slipway and dry dock with associated steel structure/building including a first floor manager's flat. The proposal does not fall within the list of specified exceptions set out in paragraphs 149 and 150 of the NPPF and would constitute inappropriate development in the Green Belt which, by definition, is harmful.

Impact on openness and purposes

9.6 In addition to the harm caused by inappropriateness, the proposal would have a significant impact on the openness of the Green Belt. The site is currently undeveloped and the proposal would introduce a sizeable structure/building and increase activity on the site, including vehicle movements. The term openness, pursuant to Paragraph 001 Reference ID: 64-001-20190722 of the NPPG, has both a spatial and visual dimension and in this case the harm to openness would arise from both the presence of built form and increased activity on the site. Furthermore, the proposal would conflict with one of the five purposes of the Green Belt, namely to assist in safeguarding the countryside from encroachment.

9.7 The proposal would constitute inappropriate development which would result in a significant impact on openness, conflicting with the purposes of the Green Belt to which

substantial weight must be attached. The proposal would be contrary to Local Plan policies GB1, GB2 and GB3 in so far as they are consistent with the NPPF and contrary to emerging policy QP5 of the Borough Local Plan Main Modifications Version and the guidance set out in section 13 of the NPPF.

- 9.8 Inappropriate development can only be approved if 'Very Special Circumstances' can be demonstrated and VSC will not exist unless the harm to the Green Belt by inappropriate development and any other harm are clearly outweighed. The case for Very Special Circumstances will be discussed further below.

ii Flood Risk

- 9.9 The application site lies adjacent to the River Thames and is situated within Flood Zone 3 (High probability of flooding). The site also lies within the 5% annual exceedance probability (AEP) flood outline which is identified by the RBWM Strategic Flood Risk Assessment (SFRA), June 2017 as being within Flood Zone 3b (the functional floodplain). The application has been accompanied by a Flood Risk Assessment however it does not comply with the requirements of site-specific flood risk assessment as set out in paragraph 30-32 of the PPG. Following objections raised by the Environment Agency a revised FRA (Version 2.00 dated 13th October 2021) was submitted and the applicant has provided two letters in the response to the EA objections dated 7th October 2021 and 5th November 2021. It is not however considered that the content of these letters satisfactorily addresses the objections raised by the EA.
- 9.10 Local Plan policy F1 states that within areas liable to flood new development will not be permitted unless it can be demonstrated to the satisfaction of the Borough Council that the proposal would not itself, or cumulatively in conjunction with other development: 1) impede the flow of flood water; or 2) reduce the capacity of the flood plain to store flood water; or 3) increase the number of people or properties at risk from flooding. Neighbourhood Plan policy NP/SUSTDEV 02 does not support development proposals within Flood Zones 2 and 3 unless it involves the one for one replacement of dwellings or extensions to existing houses. Emerging policy NR1 has a number of criteria which need to be met including the requirement of an appropriate flood risk assessment to demonstrate that the development is located and designed to ensure that flood risk is acceptable in planning terms; a sequential test is required for all development in areas at risk of flooding to ensure that all development is located in the lowest flood risk areas, with the exception of water compatible uses and essential infrastructure. Development proposals should include an assessment of the impact of climate change using appropriate climate change allowances over the lifetime of the development and development should not impede the flow of flood water, reduce the capacity of the floodplain to store water, increase the number of people, property at risk of flooding, cause new or exacerbate flooding problems or reduce the water's viability as an ecological network or habitat for notable species of flora and fauna. The proposal also needs to accord with the guidance set out in paragraphs 167-169 of the NPPF.
- 9.11 The proposed boatyard would be classed as water-compatible development as set out in table 2 of the Guidance on 'Flood Risk and coastal change'. However the proposed residential unit is classified as 'more vulnerable' and table 3 makes it clear that it would not be appropriate within Flood Zone 3b and should not be permitted. It is important to note that there may be risk to life of a person within the functional floodplain during an extreme flood event. Emerging policy NR1 states that only water compatible uses and essential infrastructure development will be supported in the area defined as functional floodplain. It has not been demonstrated that the accommodation is essential for the

proposed development. Whilst the applicant has put forward the benefits of having an on-site manager to aid with security and access in an emergency it is not considered that this outweighs the high flood risk to future users. Although it is recognised that the application is outline with all matters reserved, the principle of the development, which incorporates 'more vulnerable' development in Flood Zone 3b is unacceptable.

Sequential Test

- 9.12 A Sequential Test is required to be undertaken to determine whether there are any sites at lower risk of flooding where the proposed development could be located. In accordance with paragraph 162 of the NPPF development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. A Sequential Test has been submitted. The applicant has referred to the site having a 'residential history' and has attempted to argue that the site is exempt from requiring a ST as the proposal involves a 'change of use'. This is not accepted by the LPA. The proposal involves development and a ST is required. The Sequential Test would need to cover the whole of the Borough and identify sites with a lower risk of flooding which have been considered for the proposed development or explain why the development cannot be reasonably located in other locations within Flood Zones 1 or 2. The ST provided has looked at the area of the Thames Valley from Marlow to Chertsey and covers the Thames from Marlow Lock to Penton Hook which encompasses the stretch of river within the Borough. The ST states that most of the land within the study area lies within flood zone 3. No riverside sites have been identified for commercial development possibilities and the research concludes that *'this site is the only suitable available option for this much-needed development.'* The information provided does not include evidence as to which sites have been specifically looked at and why they have been discounted. No detailed analysis has been provided and it is not considered that the ST has been passed. Only if the ST is passed does the Exception Test and safe access and egress fall to be considered.

FRA and Exceptions Test

- 9.13 The FRA does not meet the requirements for site-specific flood risk assessments as set out in paragraphs 30-32 of the PPG. The FRA does not adequately assess the flood risks posed by the development. In particular the FRA fails to:
1. Take the impacts of climate change into account
 2. Demonstrate that the development is 'safe' for its lifetime
 3. Demonstrate that any loss to floodplain storage within the 1% annual exceedance probability (AEP) plus an appropriate allowance for climate change flood extent caused by the proposed development can be mitigated for.
- 9.14 Without a proper assessment on the impacts of climate change on flood risk, the risk to people and property in this location is not known. The proposed development includes an increase in built footprint in the floodplain and changes in land levels (such as to create a river inlet). The submitted FRA does not clearly detail net loss of floodplain storage within the 1% AEP plus an appropriate allowance for climate change flood extent or the proposed floodplain compensation to ensure there is no loss of floodplain storage. This is essential to ensure flood risk is not increased elsewhere. Any increase in built development or change in ground levels within the floodplain will only be acceptable if it can be demonstrated the proposed development will not result in a loss

of flood storage or impedance of flood flows to ensure flood risk is not increased elsewhere. Finished floor levels should also be raised as high as possible above the 1% AEP plus appropriate allowance for climate change flood level to reduce the risk of flooding to people and property.

- 9.15 The amended FRA does not include an assessment of climate change or refer to detailed flood modelling. The proposed development should be assessed against the 1% annual exceedance probability (AEP) plus an appropriate allowance for climate change flood event.
- 9.16 The finished floor levels for the office are proposed to be set 1500mm above ground level and the finished floor levels for the residential accommodation are proposed to be set 4200mm above ground level. These levels have not been compared to the 1% AEP plus an appropriate allowance for climate change flood level, therefore the risk to future occupants is not known. The proposal includes a 1500mm void described as a covered steel frame with open sides under the office and first floor. It has not been demonstrated that this is sufficient to prevent a loss of floodplain storage in the 1% AEP plus an appropriate allowance for climate change flood event. Neither the flood level nor the soffit height of the void, in metres above ordnance datum (mAOD) have been stated. Therefore it has not been adequately demonstrated that the proposed development will not increase flood risk elsewhere.
- 9.17 The applicant's letter dated 7th October 2021 refers to an '*elevated walkway from the upper level of the facility which includes the proposed accommodation unit to the footpath adjoining the A30 embankment*'. No details of this raised walkway nor site specific flood warning and evacuation plans have been provided.
- 9.18 To conclude the site lies within the functional floodplain (zone 3b) and the introduction of residential development is unacceptable in principle. The applicant has failed to undertake an appropriate FRA or Sequential Test and the application has failed to demonstrate that the development would not increase flood risk elsewhere. The development is therefore contrary to the objectives of Policy F1 of the Local Plan, Neighbourhood plan policy NP/SUSTDEV 02, emerging Policy NR1 and Section 14 of the NPPF.

Surface Water Flooding and Drainage (LLFA)

- 9.19 With regard to surface water drainage, the LLFA has recommended that permission is not forthcoming at this time until further information is provided. The proposed development as a boatyard is also potentially a contaminating use and is proposed within Source Protection Zone 3 and over secondary aquifer. If infiltration drainage is proposed then it must be demonstrated that it will not pose a risk to groundwater quality.
- 9.20 Local Plan policy NAP4 states that the Council will not grant planning permission for development which poses or might pose an unacceptable risk to the quality of groundwater and/or which would have a detrimental effect on the quality of surface water. Emerging policy EP5 states that development proposals will be supported where it can be demonstrated that proposals will not cause unacceptable harm to the quality of ground water including Source Protection Zones and do not have a detrimental effect on the quality of surface water. Development proposals should demonstrate how they will achieve remedial or preventative measures and submit any supporting assessment.

- 9.21 At the reserved matters stage further details of measures to ensure that the development would have no detrimental effect on surface water and ground water pollution will be required.

iii. Ecology

- 9.22 Neighbourhood Plan policy NP/OE2 states that development proposals that conserve and enhance biodiversity will be supported and proposals should give particular regard to ecological networks and should retain, protect and enhance features of biodiversity interest and ensure that any adverse impacts are avoided or minimised through mitigation. Development proposals that would have an adverse impact on the ecological or biodiversity resources and which cannot be appropriately avoided or mitigated will not be supported. Emerging policy QP4 requires the special character and setting of the River Thames to be conserved and enhanced. This includes maintaining tree cover, the conservation and enhancement of the natural river bank and their associated bankside and marginal vegetation and the ecological value of the area including its role as a wildlife network. There may be opportunities for the restoration and enhancement of natural elements of the river environment that should be incorporated within the design of new developments. The ecological value of the river will need to be maintained and in appropriate circumstances restored and enhanced together with natural elements of the riparian environment. Proposals should seek to promote the healthy growth in the use of the River Thames for communities, wildlife, leisure and business in ways that are compatible with its character, setting and ecology and in line with the objectives of the River Thames Plan and the Environment Agency's River Basin Management Plan. Emerging policy NR2 requires development proposals to demonstrate how they maintain, protect and enhance the biodiversity of application sites including features of conservation value such as trees, river corridors and the presence of protected species. Proposals will need to avoid impacts on habitats and species of principle importance such as those listed under Section 41 of the NDERC Act 2006. Development proposals shall be accompanied by ecological reports in accordance with BS42020 to aid assessment of the proposal and shall include mitigation measures necessary to make the development acceptable. Proposals next to rivers need to ensure that they will not lead to the deterioration of the ecological status of the waterbodies and where feasible will contribute to raising their status in line with the aims of the NPPF, the Water Framework Directive and Thames River Basin Management Plan.
- 9.23 The site comprises a plot of land consisting of grassland and deciduous woodland connecting to the River Thames. The site lies adjacent to the River Thames and the surrounding landscape is characterised by lakes, woodland and scrub. The woodland is protected by an Area Order. The woodland and River Thames are priority habitats as defined in the NPPF. The grassland could also be a priority habitat. The habitats on and around the site could host a wide range of protected and priority species including protected plants, bats, badger, reptiles, amphibians, otter, water vole and nesting birds. As such there is a risk that the proposals may impact upon priority habitats and protected and priority species. The Council's ecology officer has advised that an ecological appraisal comprising an extended Phase 1 Habitat and Species Scoping Survey, preliminary bat roost assessments of any trees to be affected and phase 2 surveys would need to be submitted prior to the determination of the application. Due to the potential botanical interest of the site, any plant survey should be undertaken during the growing season in this case. A Preliminary ecological impact assessment has now been submitted. The views of the Council's ecology officer have been sought and will be provided in a Committee update.

- 9.24 Other issues such as artificial light pollution would need to be considered at the reserved matters stage in terms of emerging policy EP3.
- 9.25 The activities would require a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016 and the EA has advised it is unlikely to be granted for this current proposal. In determining the flood risk activity permit for this development the EA will assess its compliance with the Thames River Basin Management Plan and consider how the development affects water biodiversity and the wetland environment. A full ecological assessment is required in order to assess how the proposal would affect species and habitats and the assessment would need to demonstrate how this risk would be controlled and where possible, identify opportunities for environmental improvements.
- 9.26 The site has quite a dense tree cover and the area is classed as a Habitat of Principle Importance under Section 41 of Natural Environmental and Rural Communities (NERC) Act 2006. This habitat would likely support a range of species and provide a vital wildlife corridor. The proposal includes bank protection work in the form of gabions and coir rolls to address river bank erosion. The EA has indicated that they are generally opposed to hard bank protection and have advised that natural bank, if present, should be retained as this is now very rare along the Lower Thames. Although re-wilding of the remaining site and enhanced biodiversity has been mentioned in the application, no further details have been provided at this stage. It is not therefore possible to understand the full impact of the proposal on ecology and whether any net gain in biodiversity can be achieved for the site.
- 9.27 Subject to the final views of the ecology officer, it is considered that it has not been adequately demonstrated how the proposal would conserve and enhance the ecological value of the site and surroundings and as such the proposal is contrary to Neighbourhood Plan policy NP/OE2 and emerging policies QP4 and NR2.

iv. Trees

- 9.28 Local Plan policy N6 requires a tree survey to be submitted as part of an application where there are existing trees and plans should allow for the retention of existing suitable trees wherever practicable and include protection measures necessary to protect trees during the development. Where the amenity value of trees outweigh the justification for development then planning permission may be refused. Emerging policy NR3 requires development proposals to carefully consider the individual and cumulative impact of the proposed development on existing trees and woodlands including those that make a particular contribution to the appearance of the local character. Development proposals should protect trees and woodlands and where harm to trees is unavoidable appropriate mitigation measures that will enhance or recreate habitats will be required. Where trees are present on site or within influencing distance of the site, applications will need to be accompanied by an appropriate tree survey, constraints plan, tree protection plan and ecological assessment. Where the amenity value of trees and woodland outweighs the justification for development, planning permission may be refused.
- 9.29 The site comprises deciduous woodland and is sylvan in character and appearance. The trees are covered by an Area Order. There is a line of mature trees which run along the river bank and the narrow driveway is heavily treed on either side. The dry dock and slipway facility is proposed to be constructed largely within a 'clearing' on the site. The river bank is badly eroded and the applicant argues that if nothing is done to protect the river bank then the majority of trees along the riverbank would imminently be lost. It is unclear what impact the works to the river bank would have

on these trees and it is also unclear what improvements to the existing access drive, if any, would be required to facilitate the development and what impact the use of the drive from large trailers transporting boats by road would have on the trees.

- 9.30 Whilst an initial tree report has been submitted no detailed Arboriculture Survey/Report, Tree Constraints Plan, Arboricultural Method Statement and Tree Protection Plan has been supplied. It has not been possible for the Local planning Authority to fully assess the potential impact of the proposed development on the trees on the site and the scheme is therefore contrary to the aims of Policies DG1 and N6 of the Local Plan and Policies QP3 and NR2 of the emerging Borough Local Plan (Main Modifications Version)

v. Impact on Character and Appearance

- 9.31 The site has been described by the applicant as *'a small area of derelict land left over from extensive nearby grave extraction and highway development'*. The applicant has also made reference to fly tipping and litter discarded from vehicles using the M25. The site is currently fairly heavily treed and is sylvan in character and appearance and contributes to the setting of the River Thames. It is not accepted that the site is 'derelict'. It is an undeveloped site. Views of the site are available from the Thames Path which runs along the southern bank of the River Thames.
- 9.32 Local Plan policy DG1 sets out design guidelines and states that harm should not be caused to the character of the surrounding area as a result of the loss of important features which contribute to that character. Neighbourhood Plan policy NP/OE1 requires development to conserve and enhance the quality and character of the landscape and in particular development will be expected to retain and where possible improve the visual appearance of the land by protecting and enhancing the landscape features such as vegetation, existing trees, the open nature of the riverside meadows, as well as the riparian setting of the River Thames. Local Plan policy N2 deals specifically with the setting of the River Thames. The Borough Council will seek to conserve and enhance the setting of the Thames and will not permit development which would adversely affect the character and setting of the river. It will be expected that development should respect the water frontage in terms of character, height, scale and bulk and retain tree-cover and conserve the ecological value of the area. Emerging policy QP3 expects new development to respect and enhance local and natural character of the environment paying particular regard to things like scale, bulk, massing, proportions, trees and biodiversity. Emerging policy QP4 sets out a number of criteria which need to be adhered to in terms of the River Thames Corridor. The special character and setting of the River Thames will be conserved and enhanced and appropriate development proposals associated with river related activities and employment will be supported. Development proposals will be required to protect and enhance views to and from the river, maintain tree cover, conserve and enhance natural river banks and their associated bankside and marginal vegetation and the ecological value of the area including its role as a wildlife network.
- 9.33 The information provided with the application indicates a very sizeable building/structure and the proposal makes it clear that the development is to serve 'larger commercial craft'. Views of the site are available from the river, the Thames Path which runs along the opposite side of the river bank and from the shared driveway. There is currently a row of mature trees along the river bank which provides some screening but it is unclear whether these trees can be retained or relied upon in the future.
- 9.34 The site is currently undeveloped and contributes to the riparian setting of the River Thames. There is concern that the proposal would introduce a large, prominent

building on this currently undeveloped site. In addition works to the river bank are proposed and it has not been adequately demonstrated that the proposal would not have an adverse impact on the visual appearance of the natural riverbank and would not involve the loss of trees and the ecology value of the site. Overall there is concern that the scale and appearance of the development would have a detrimental impact on the riparian setting of the River Thames and the sylvan character and appearance of the site and would be contrary to Local Plan policy N2, Neighbourhood Plan policy NP/OE1 and emerging policy QP4. However scale and appearance fall to be considered at the reserved matters stage and is not for consideration at this outline stage.

vi. Residential Amenity

- 9.35 Local Plan policy NAP3 states that the Council will not grant planning permission for proposals likely to emit unacceptable levels of noise, smell or fumes beyond the site boundaries. Emerging policy QP3 requires proposed development to have no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight. Emerging policy EP1 states that residential amenity should not be harmed by reason of noise, smell and other nuisance. Emerging policy EP4 requires development proposals to consider the noise and quality of life impact on existing nearby properties and developments which generate unacceptable levels of noise will not be permitted. Effective mitigation measures will be required where proposals may generate significant levels of noise and may cause an adverse impact on residents, rural character of an area or biodiversity. The Council will require noise impact assessments to be submitted where development proposals will generate noise.
- 9.36 The neighbouring residential properties lie some distance from the site. Number 68 Wraysbury Road lies close to the site entrance and Holm House lies to the east of the site. The M25 motorway provides a level of background noise. The application has not been accompanied by a Noise Impact Assessment so it is difficult to fully assess the impact of any noise generated by the proposal in terms of the living conditions of any neighbouring properties. The Environmental Protection team has suggested a condition to restrict the rating level of noise emitted from the site to protect residential amenity. However it is considered appropriate in this case to require a Noise Impact Assessment. This will enable a full assessment of the proposals impact in terms of noise on existing neighbouring properties and effective mitigation measures to be provided, if required.
- 9.37 As things stand it has not been adequately demonstrated that the proposal would not emit unacceptable levels of noise, smell or fumes beyond the site boundaries and would not have an unacceptable impact on the living conditions of neighbouring residents and as such would be contrary to Local Plan policy NAP3 and emerging policies QP3, EP1 and EP4.

vii Highway Safety & Parking

- 9.38 Local Plan policy T5 requires development proposals to comply with the Highway Design standards. Emerging policy QP3 requires development proposals to deliver easy and safe access and movement for pedestrians, cyclists, cars and service vehicles and maximise the use of sustainable modes of transport where possible.
- 9.39 The site is served by a vehicular access located between numbers 66 and 68 Wraysbury Road which is shared with number 68 Wraysbury Road and Holm House. A long, private, narrow, gated driveway leads from the shared entrance/exit to the site. It is heavily treed on both sides and there is no room for two way traffic to pass. The

Highways section has raised no objection in principle to the proposal. However it would need to be demonstrated how adequate visibility onto Wraysbury Road can be achieved. No details as to the level of traffic generated by the proposal or the number and types of vehicles using the access and driveway has been provided. Although it is assumed that the majority of boats for inspection/repair would arrive by river there are likely to be some boats that would arrive by road on the back of a trailer/lorry and the proposal would intensify the use of the existing shared access.

- 9.40 Overall it is considered that more information is required. A Transport Statement needs to be provided to enable a full assessment as to the suitability of the access to be made in accordance with Local Plan policy T5 and emerging policy QP3. The suitability of the access falls to be considered at the reserved matters stage.

viii Archaeology

- 9.41 There are potential archaeological implications associated with this proposed development. The site lies within the Thames Valley, immediately adjacent to the river. It therefore lies over the floodplain and gravel terraces which have been a focus of settlement, agriculture and burial from the earlier prehistoric period to the present day. The application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance. In the event of planning permission being granted a condition would need to be secured to mitigate the impacts of the development.

ix Sustainability

- 9.42 A Position Statement on Sustainability and Energy Efficient Design (March 2021) sets out the expectations of new development consistent with the sustainability guidance set out in the NPPF to help deliver on the national and local commitments to address climate change and the Environmental and Climate Strategy of RBWM. Emerging policy SP2 requires all development to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. Emerging policy QP3 expects development to be climate change resilient and incorporate sustainable design and construction which minimises energy demand and water use, maximises energy efficiency and minimises waste.
- 9.43 There is a list of 7 criteria set out in the Interim Sustainability Position Statement and it needs to be demonstrated how the criteria are met by the proposed development. The D & A Statement states that the requirement for heating would be limited as a large proportion of the building would be open. It is also intended to provide a water source heat pump and solar panels. Further details would be required at the reserved matters stage to ensure that the requirements set out in the Interim sustainability position statement are met and to ensure compliance with emerging policy SP2.

x. Very Special Circumstances

- 9.44 The objectives of national Green Belt policy are discussed above. Of relevance however is paragraph 148 that states Very Special Circumstances (VSC's) 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.
- 9.45 It has been concluded above that the development constitutes inappropriate development which is harmful by definition. There is further harm to the Green Belt as a result of harm to openness and harm to purposes. Substantial weight needs to be given to cumulative harm to the Green Belt. Furthermore, significant weight needs to

be attached to other harm which relating to flood risk, potential harm to ecology and trees and the impact on the character and appearance of the area.

- 9.46 The applicant has submitted information in support of the proposal. It refers to the sustained growth in river based leisure and hospitality boating and the increased demand for continual improvement in public safety and passenger boats having to be rigorously inspected every year. This has coincided with the loss of boatyards over the last 40 years including the closure of 9 yards within RBWM and a further 5 close by. It is argued that boat operators are finding it increasingly difficult to find yards to lift craft out of the water for mandatory inspectors. The application has been accompanied by a letter of support from the Chairman of the Passenger Boat Association who owner of Thames River Cruise based in Reading. The letter states that *'the facility is desperately needed by the commercial boat businesses up and down the river'* and goes on to say that there has been a dramatic reduction in yards that can cope with bigger boats and demand for safety inspections has increased substantially. Further letters of support have also been received, referred to above, which reiterates the need for more boatyards to ensure ships are well-maintained and safe for occupation.
- 9.47 The economic benefits of the proposal have been put forward in terms of supporting tourism, hospitality and providing jobs. The facility would employ a minimum of 4 permanent and 4 part-time staff and provide the possibility to train those wanting to make a profession of boat inspection. It is argued that the facilities are required to ensure that commercial craft are maintained to be highest standards. The safety of commercial craft is paramount and the provision of inspection facilities is vital.
- 9.48 No details of existing available facilities for lifting out, slipways and dry docks on the River Thames has been provided. Similar facilities appear to be available at other locations along the river including Windsor Marina, Bray Marina, Penton Hook Marina and Bridge Marina. It has not been adequately demonstrated that there is a specific need for a boatyard in this location or that there are not any other more suitable sites available for a boatyard.
- 9.49 As things stand no VSC has been adequately demonstrated in this case to outweigh the harm to the Green Belt and any other harm.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

The proposed development in not CIL liable.

11. CONCLUSION

- 11.1 The proposal is considered to constitute inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. This harm attracts substantial weight. The proposal would not preserve the openness of the Green Belt, which is one of its essential characteristics, and its encroachment into the countryside would conflict with one of the purposes of including land within the Green Belt. The proposal would also result in other potential harm in terms of flood risk, ecology, trees and impact on the character and appearance of the site. The benefits of the scheme put forward by applicant are not considered to outweigh the harm to the Green Belt and any other harm. Therefore, it is considered that VSC has not been adequately demonstrated to justify the proposal and the proposal is unacceptable to the reasons set out below.

12. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan

- Appendix B – Proposed block plan
- Appendix C – Outline design - floor plans and elevations

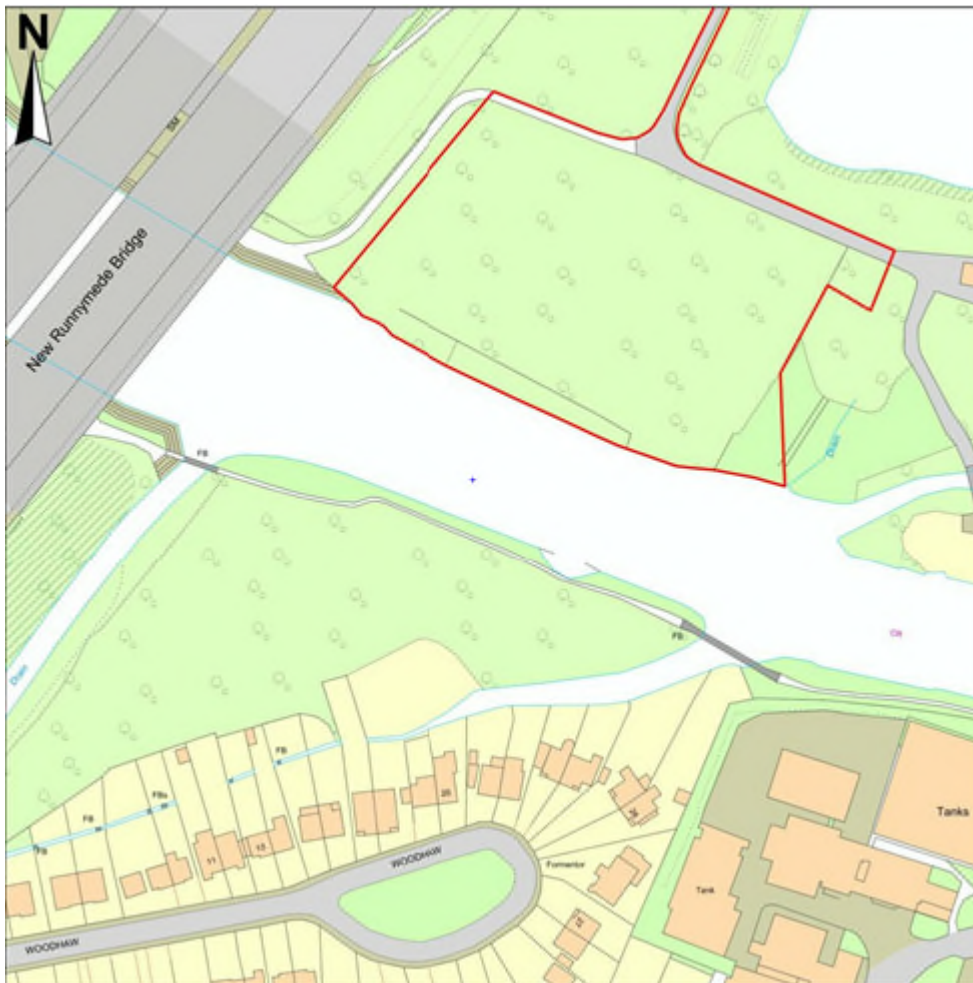
13. REASONS FOR REFUSAL:

- 1 The application site lies within the designated Green Belt. The proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. Furthermore, the proposal would result in harm to the openness of the Green Belt and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'. No Very Special Circumstances have been demonstrated that clearly outweigh the harm and any other harm. The proposal is therefore contrary to paragraphs 147, 148 and 149 of the National Planning Policy Framework (2021), saved policies GB1, GB2(a) and GB3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003) and emerging policy QP5 of the Borough Local Plan (Main Modifications 2021).
- 2 The application site falls within Flood Zone 3b (functional flood plain) wherein residential development is unacceptable in principle.
The proposal fails to demonstrate that there are no other reasonably available sites appropriate for the proposed development within a lower risk of flooding. The application therefore fails the sequential test.
The FRA does not meet the requirements for site-specific flood risk assessments as set out in paragraphs 30-32 of the PPG and does not adequately assess the flood risks posed by the development. It has not been adequately demonstrated the proposed development will not result in a loss of flood storage or impedance of flood flows to ensure flood risk is not increased elsewhere and it has not been adequately demonstrated that the proposed development would be safe for its lifetime.
For these reasons, the proposal is contrary to Policy F1 of the adopted Royal Borough of Windsor and Maidenhead Local Plan 1999 (including adopted alterations 2003), emerging policy NR1 of the Borough Local Plan (Main Modifications 2021) and paragraphs 163 - 173 of the National Planning Policy Framework 2021.
- 3 It has not been adequately demonstrated how the proposal would conserve and enhance the ecological value of the site and surroundings and as such the proposal is contrary to policy NP/OE2 in the Horton and Wraysbury Neighbourhood Plan and emerging policies QP4 and NR2 set out in the Borough Local Plan (Main Modifications 2021)
- 4 In the absence of a detailed Arboriculture Report, Tree Constraints Plan and Tree Protection plan it has not been possible for the Local planning Authority to fully assess the potential arboriculture related issues arising from the proposal. The scheme is therefore contrary to the aims of policy DG1 and N6 of the adopted Royal Borough of Windsor and Maidenhead Local Plan 1999 (including adopted alterations 2003) and emerging policies QP3 and NR2 of the Borough Local Plan (Main Modifications Version 2021)
- 5 In the absence of a Noise Impact Assessment it has not been adequately demonstrated that the proposal would not emit unacceptable levels of noise, smell or fumes beyond the site boundaries and would not have an unacceptable impact on the living conditions of any neighbouring residents. As such the proposal is contrary to policy NAP3 of the adopted Royal Borough of Windsor and Maidenhead Local Plan 1999 (including adopted alterations 2003) and emerging policies QP3, EP1 and EP4 of the Borough Local Plan (Main Modifications Version 2021).

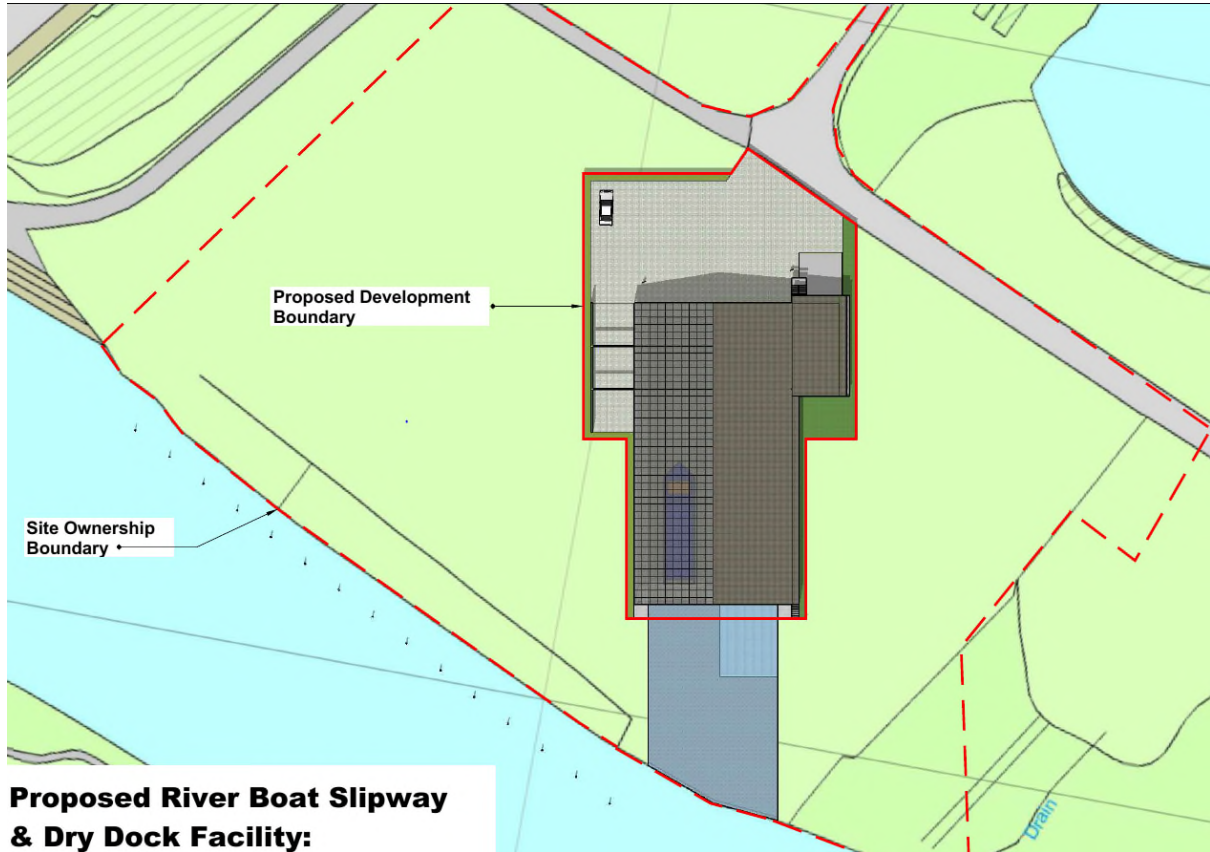
APPENDIX A – SITE LOCATION PLAN – taken from D & A Statement



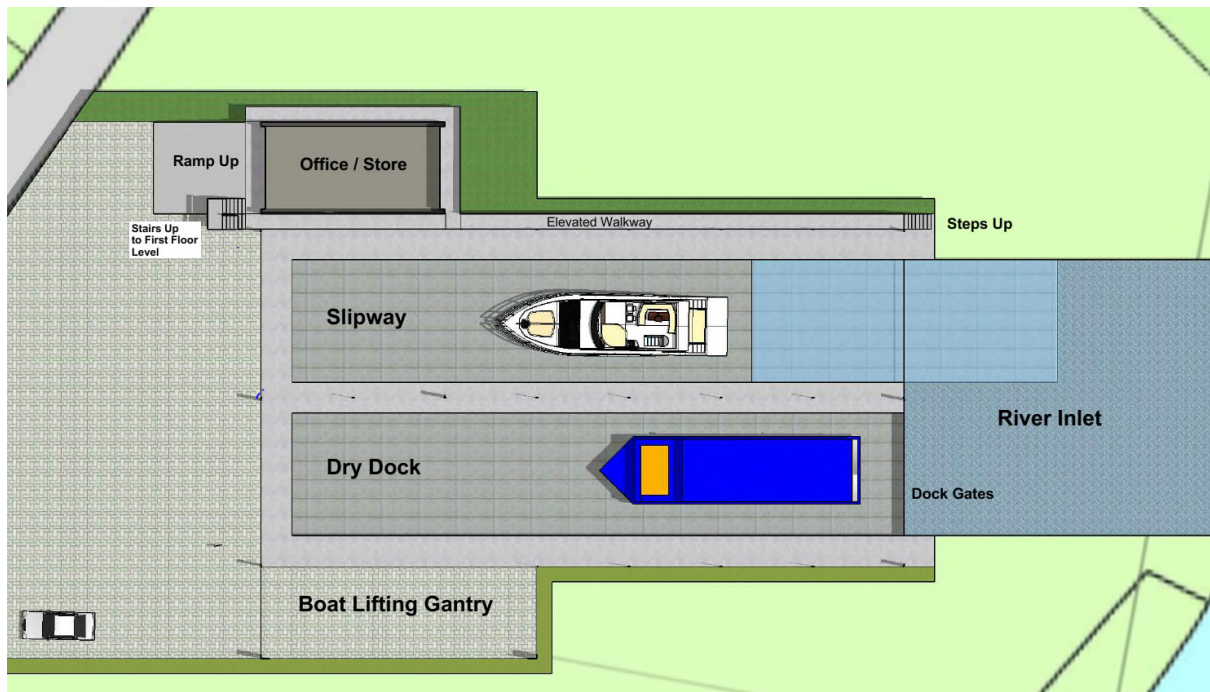
Site Location Plan – OS extract

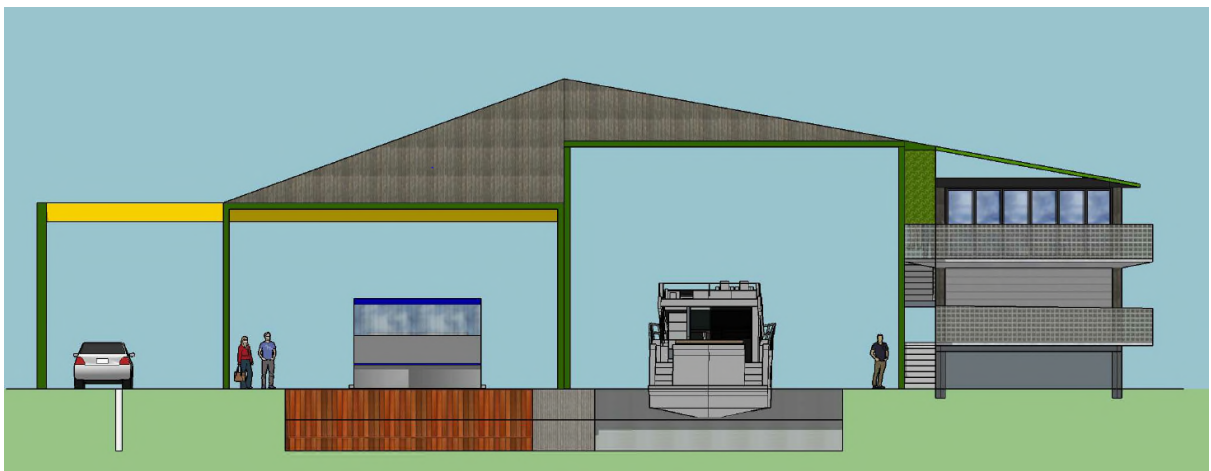
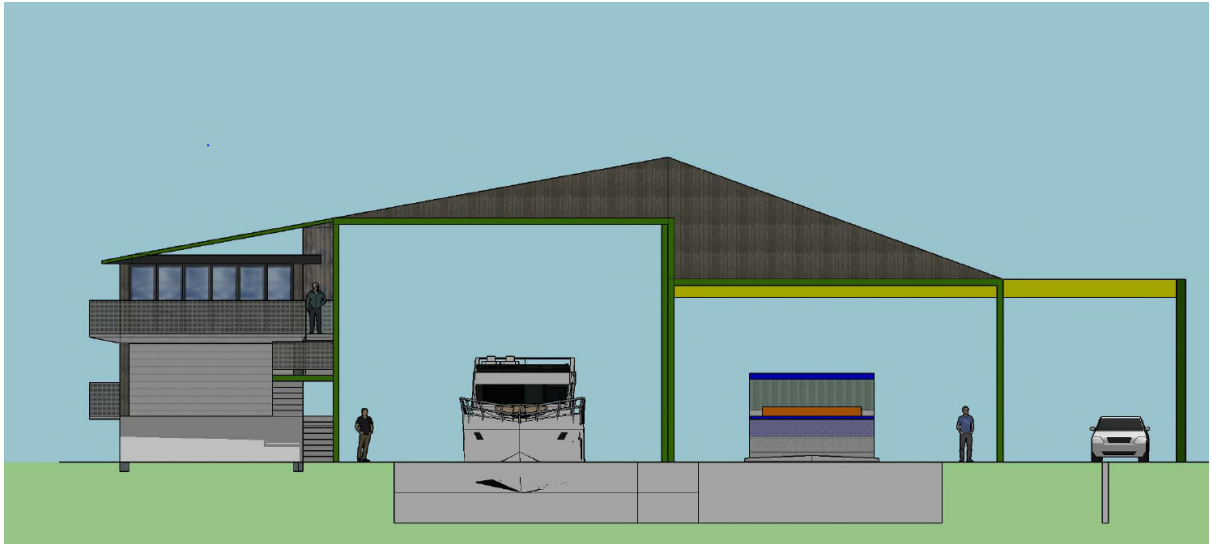


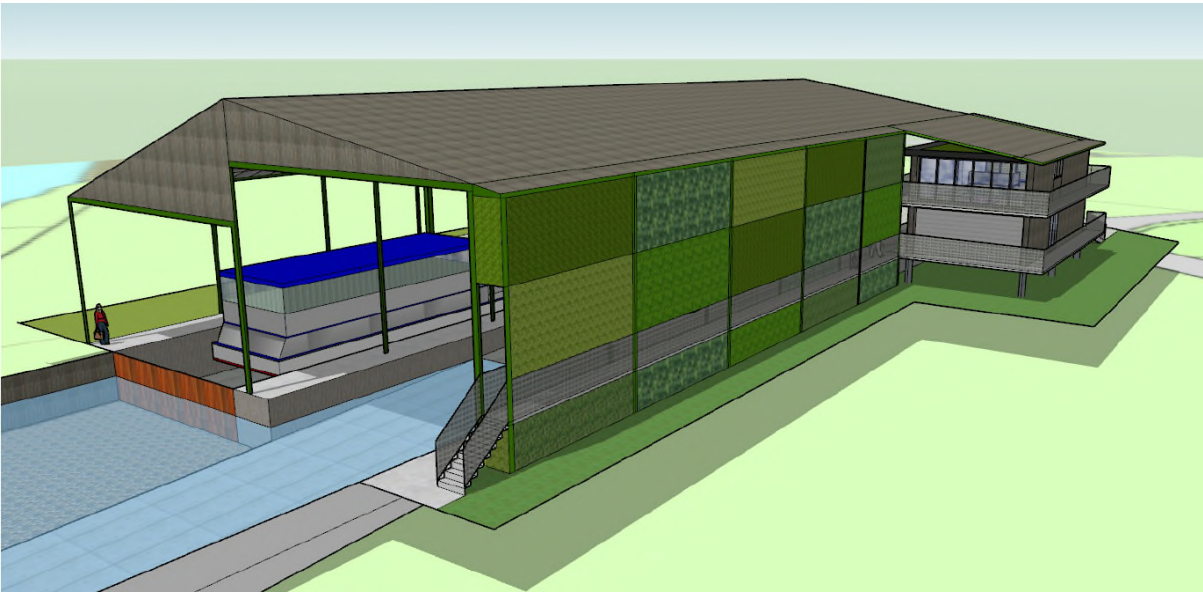
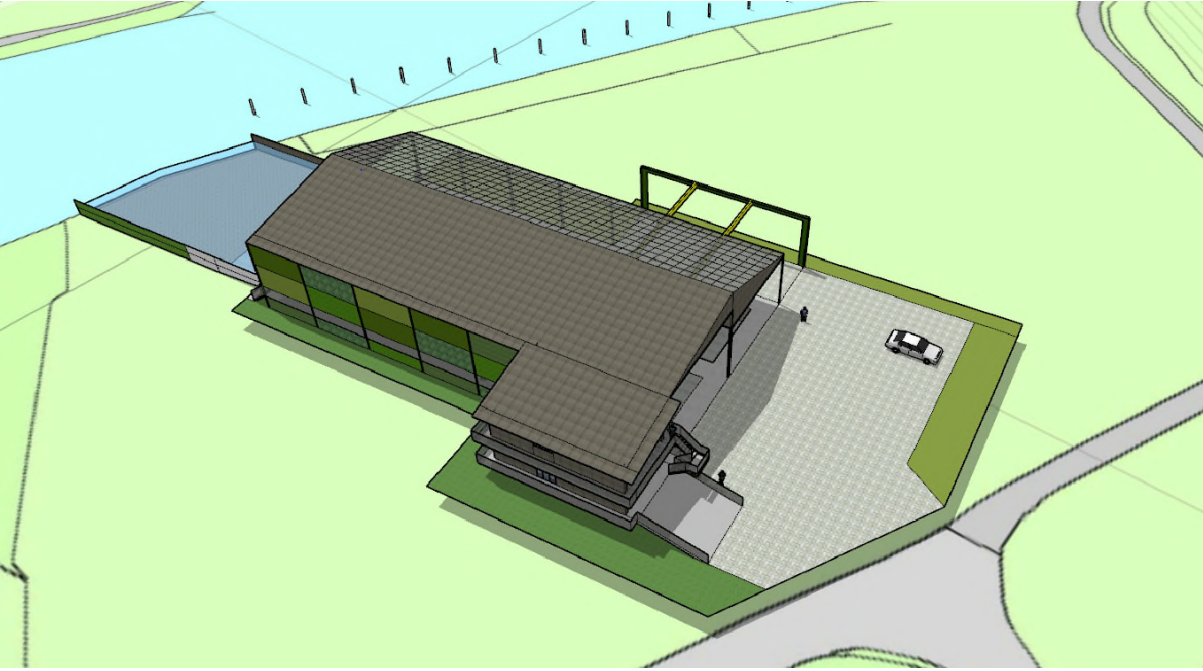
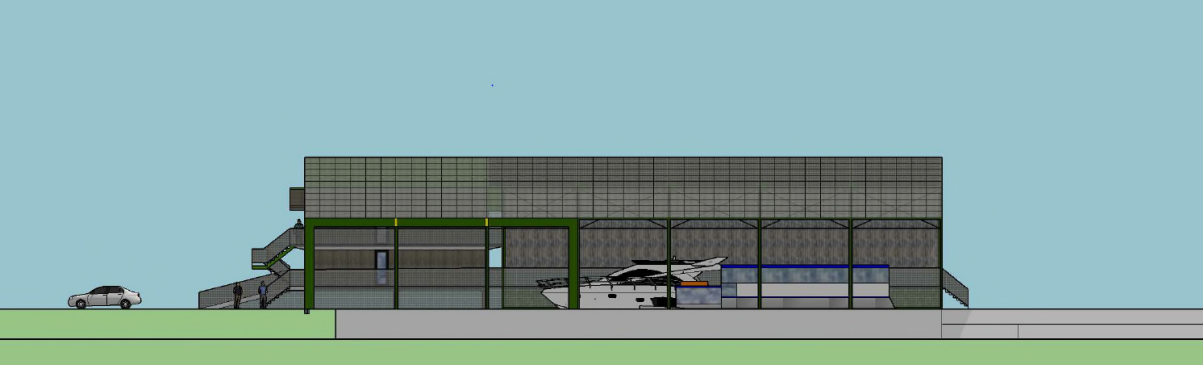
APPENDIX B – BLOCK PLAN



APPENDIX C – OUTLINE OF FLOOR PLANS AND ELEVATIONS







Planning Appeals Received

23 October 2021 - 19 November 2021

Windsor and Ascot

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 PIn 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: Wraysbury Parish
Appeal Ref.: 21/60067/REF **Planning Ref.:** 21/01501/FULL **PIns Ref.:** APP/T0355/D/21/3284208
Date Received: 5 November 2021 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Single storey front, side and rear extensions, extension to and conversion of garage into habitable accommodation with alterations to garage roof and new gable roof to rear, alterations to first floor fenestration, new rear balcony and pergola following demolition of existing single storey side extension and rear conservatory.
Location: **6 Station Road Wraysbury Staines TW19 5NE**
Appellant: Mr & Mrs Gill **c/o Agent:** Mr Gurveer Choda Masonwood Design Ltd 125 Monksfield Way Slough SL2 1QJ

Ward:
Parish: Sunningdale Parish
Appeal Ref.: 21/60068/REF **Planning Ref.:** 21/00272/FULL **PIns Ref.:** APP/T0355/D/21/3274994
Date Received: 10 November 2021 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Detached garden room.
Location: **The Garden House Church Lodge Whitmore Lane Ascot SL5 0NT**
Appellant: Lynda Frampton **c/o Agent:** Mrs Karen Hammond Smart Garden Offices Ltd Thurston Park Church Road Thurston Bury St Edmunds IP31 3RN

Ward:
Parish: Windsor Unparished
Appeal Ref.: 21/60069/REF **Planning Ref.:** 20/01524/FULL **PIns Ref.:** APP/T0355/W/21/3276985
Date Received: 10 November 2021 **Comments Due:** 15 December 2021
Type: Refusal **Appeal Type:** Written Representation
Description: Change of use of the existing offices at ground floor to residential and single storey side/rear extension and alterations to fenestration.
Location: **69 - 69A Bolton Road Windsor**
Appellant: Mr David Marshalsea **c/o Agent:** Mr Duncan Gibson Duncan Gibson Consultancy 74 Parsonage Lane Windsor Berkshire SL4 5EN

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Appeal Decision Report

23 October 2021 - 19 November 2021

Windsor and Ascot

Appeal Ref.: 21/60031/REF **Planning Ref.:** 20/03319/CLU **Plns Ref.:** APP/T0355/X/21/3271220

Appellant: Mrs Siddhu **c/o Agent:** Mr Steve Miller Planning Direct The Furnace The Maltings Princes Street Ipswich Suffolk IP1 1SB

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

Description: Certificate of lawfulness to determine whether the existing use of the two annexes as two separate dwellings is lawful.

Location: **58 Coppermill Road Wraysbury Staines TW19 5NS**

Appeal Decision: Part Allowed **Decision Date:** 25 October 2021

Main Issue: The Inspector concluded as a matter of fact and degree that the use of Building B is a self-contained dwelling. The Inspector concluded as a matter of fact and degree that the use of Building A together with Building C is not a self-contained dwelling. As such the appeal as it relates to these buildings must fail. The Inspector concluded on the balance of probability that the use of Building B as a self-contained dwelling has continued substantially uninterrupted for a period in excess of four years and was lawful on the date the application was made. The appeal is allowed in respect of Building B 'Front Annexe' and is deemed to be lawful. The appeal fails and is dismissed in respect of Building A and Building C.

Appeal Ref.: 21/60045/REF **Planning Ref.:** 19/03287/FULL **Plns Ref.:** APP/T0355/W/21/3267862

Appellant: Mr Mohammed Ariff **c/o Agent:** Other ET Planning Office ET Planning 200 Dukes Ride Crowthorne RG45 6DS

Decision Type: Committee **Officer Recommendation:** Refuse

Description: Part change of use of dwelling (C3) to a place of worship (D1) with new vehicular access and associated cycle parking.

Location: **Ruddles Pool Maidenhead Road Windsor SL4 5TW**

Appeal Decision: Dismissed **Decision Date:** 16 November 2021

Main Issue: The Inspector concluded that the proposal would be inappropriate development in the Green Belt and would therefore, by definition, be harmful to the Green Belt. She also found limited harm to the purposes of including land in the Green Belt. The development would also cause moderate harm to the character and appearance of the area and the intensity of the use of the property would significantly harm the living conditions of nearby residential occupiers through increased noise and disturbance. It would also significantly harm highway safety. The mosque would provide a place of worship for people of the Islamic faith. It would also provide a meeting space for the elderly and women. The protected characteristics of race, religion, age and gender are therefore engaged. Approval of the scheme would therefore advance equality of opportunity and foster good relations. This carries substantial weight in favour of the proposal. However, this and the other considerations in this case do not clearly outweigh the harm identified above. Consequently, the very special circumstances necessary to justify the development do not exist.

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