

NOTICE
OF
MEETING

**WINDSOR AND ASCOT DEVELOPMENT
MANAGEMENT COMMITTEE**

will meet on

WEDNESDAY, 4TH MAY, 2022

At 7.00 pm

In the

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: 25 March 2022

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.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	-
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	3 - 6
3.	<u>MINUTES OF PREVIOUS MEETING</u> To approve the minutes of the previous meeting as a true and accurate record.	7 - 10
4.	<u>21/02291/FULL - ALEXANDRA GARDENS, BARRY AVENUE, WINDSOR, SL4 5JA</u> Proposal: Ice rink and attractions from November to January 2022-2025. Recommendation: PERMIT Applicant: Mr Coleman Member Call-in: Councillor Bowden Expiry Date: 6 May 2022	11 - 26
5.	<u>PLANNING APPEALS RECEIVED AND PLANNING DECISION REPORT</u> To note the contents of the report.	27 - 30

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

In accordance with the requirements of the Local Government (Access to Information) Act 1985, each item on this report includes a list of Background Papers that have been relied on to a material extent in the formulation of the report and recommendation. The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper, although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as "Comments Awaited".

The list will not include published documents such as the Town and Country Planning Acts and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance, as the instructions, advice and policies contained within these documents are common to the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading "Remarks".

STATEMENT OF THE HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

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

MEMBERS' GUIDE TO DECLARING INTERESTS 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.

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Agenda Item 3

WINDSOR AND ASCOT DEVELOPMENT MANAGEMENT COMMITTEE

WEDNESDAY, 6 APRIL 2022

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

Also in attendance: Councillor John Bowden, Councillor Karen Davies, Councillor Carole Da Costa and Councillor Ewan Larcombe

Officers: Jane Cryer, Oran Norris-Browne, Rebecca Oates, Sian Saadeh, Harmeet Minhas and Jo Richards

APOLOGIES FOR ABSENCE

Apologies were received from Councillor Bowden and Councillor Knowles. Councillor Hilton and Councillor Price were substituting respectively.

DECLARATIONS OF INTEREST

Councillor Price declared that she was a member of the Windsor and Eton Society and was on the steering group for the original development of the site of Former Pine Lodge, Hatch Lane, Windsor. She had also campaigned against development of the land of the former Squires Garden Centre, Maidenhead Road, Windsor. She came to the meeting with an open mind.

Councillor Wisdom Da Costa declared that he was a Ward Councillor for Clewer & Dedworth West and had campaigned against development of the land of the former Squires Garden Centre, Maidenhead Road, Windsor. He came to the meeting with an open mind.

Councillor Davey also declared that he was a Ward Councillor for Clewer & Dedworth West and had campaigned against development of the land of the former Squires Garden Centre, Maidenhead Road, Windsor. He came to the meeting with an open mind.

Councillor Tisi stated that she had campaigned development of the land of the former Squires Garden Centre, Maidenhead Road, Windsor. She came to the meeting with an open mind.

MINUTES OF PREVIOUS MEETING

AGREED UNANIMOUSLY: That the minutes of the meeting held on 2 March 2022 be approved.

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

This item was withdrawn by the applicant.

21/02467/FULL - SQUIRES GARDEN CENTRE MAIDENHEAD ROAD WINDSOR SL4 5UB

A motion was put forward by Councillor Hilton to permit the application upon the satisfactory completion of an undertaking to secure the highway infrastructure, affordable housing and carbon offset fund contributions in Section 10 of the main report, and with the conditions listed in Section 15 of the main report as updated by the committee update. This was seconded by Councillor Bateson.

A named vote was taken.

21/02467/FULL - Squires Garden Centre Maidenhead Road Windsor SL4 5UB (Motion)	
Councillor David Cannon	For
Councillor Christine Bateson	For
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Amy Tisi	Against
Councillor Wisdom Da Costa	Against
Councillor Jon Davey	Against
Councillor David Hilton	For
Councillor Helen Price	Against
Carried	

RESOLVED: That the application be granted upon the satisfactory completion of an undertaking to secure the highway infrastructure, affordable housing and carbon offset fund contributions in Section 10 of the main report, and with the conditions listed in Section 15 of the main report as updated by the committee update.

The committee were addressed by two speakers. Parish Councillor Nick Pellew, Bray Parish Council, and Sarah Hockin, applicant.

21/03765/FULL - SITE OF FORMER PINE LODGE HATCH LANE WINDSOR

A motion was put forward by Councillor Sharpe to permit the application with the conditions listed in Section 14 of the report. This was seconded by Councillor Shelim.

A named vote was taken.

21/03765/FULL - Site of Former Pine Lodge Hatch Lane Windsor (Motion)	
Councillor David Cannon	For
Councillor Christine Bateson	For
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Amy Tisi	Against
Councillor Wisdom Da Costa	For
Councillor Jon Davey	For
Councillor David Hilton	For
Councillor Helen Price	For
Carried	

RESOLVED: That the application be granted with the conditions listed in Section 14 of the report.

The Committee were addressed by two speakers virtually. Theresa Haggart, objector, and Ward Councillor Davies. The committee were addressed in person by Phil Brown, applicant's representative.

PLANNING APPEALS RECEIVED AND PLANNING DECISION REPORT

The committee noted the planning appeals received and the planning decision report.

The meeting, which began at 7.00 pm, finished at 8.45 pm

CHAIRMAN.....

DATE.....

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ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

4 May 2022

Item: 1

Application No.:	21/02291/FULL
Location:	Alexandra Gardens Barry Avenue Windsor SL4 5JA
Proposal:	Ice rink and attractions from November to January 2022-2025.
Applicant:	Mr Coleman
Agent:	Not Applicable
Parish/Ward:	Windsor Unparished/Eton And Castle
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 The application follows several temporary permissions granted to use part of Alexandra Gardens in Windsor to host a visitor/tourist attraction for the Christmas Period. The attractions include an ice rink, marquees and several attractions/rides. The use of part of the park is for a temporary period to operate annually between the months of November and January (including set up and dismantling) for the years 2022 – 2025.
- 1.2 The site layout and some of the attractions have slightly altered since the previous temporary permission was granted but essentially the proposal remains very similar. The level of harm caused to the designated Heritage Assets would be less than substantial. This harm needs to be weighed against the public benefits of the proposal and in this case there would be a positive benefit to the town's economy with the beneficial increase in the visitor numbers to the area.
- 1.3 Given the temporary nature of the proposal it is acceptable in terms of its impact on the character and appearance of the site itself, the River Thames Corridor, the living conditions of neighbouring properties, flood risk, trees, highways, parking and sustainability.

It is recommended the Committee grants planning permission with the conditions listed in Section 14 of this report.
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2. REASON FOR COMMITTEE DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended as the Council has an interest in the land and objections have been received.
Cllr Bowden has called in the application, irrespective of the recommendation, given the site is situated in a unique setting in Windsor and that it is necessary that all affected residents are aware of the impact before, during and after its installation.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 Alexandra Gardens, a large public amenity space, lies south of Barry Avenue and the River Thames and to the west of Goswell Road in Windsor Town Centre. The gardens

comprise large areas of lawn with trees/planting and is intersected by several paved walkways. To the south of the site lies the coach park and public car park. Views of Windsor Castle are available from the gardens.

4. KEY CONSTRAINTS

- 4.1 Alexandra Gardens lies within the River Thames Corridor and Flood Zone 3 (High probability of flooding). The site lies adjacent to the Windsor Town Centre Conservation Area.

5. THE PROPOSAL

- 5.1 As in previous years the application proposes the temporary use of part of Alexandra Gardens for visitor/tourism attractions, including a covered ice rink with associated areas and rides/attractions for children and adults. Planning permission is sought for the construction of the ice rink and attractions annually between November and January for the years 2022-2025. This would enable the attractions to be assembled in November, to operate from November until January and to be dismantled/removed from the site by the end of January. The land would then be restored/reinstated to its former condition by the end of February.
- 5.2 A total of 11 rides are proposed. The Dodgems, the Helicopter ride, Race O Rama, Twister, Bungee Trampolines, Mini Planes, and the Waltzer remain unchanged and Monster trucks, Trooper, Apple Coaster and Avengers are now included. The heights of the rides when in operation range between 3.04m to 13.22m.
- 5.3 The number of rides has increased from 9 to 11 and the layout of the rides and attractions has altered. The main pathway through the site is retained.

6. RELEVANT PLANNING HISTORY

Reference	Description	Decision
21/01599/FULL	Observation wheel and refreshment unit to be sited from 1st July to 30 th September 2021	Pending consideration
20/02814/NMA	Non-material amendments to planning permission 19/00313/FULL for changes to the layout to include the 90-degree turning of the marquee to comply with social distancing regulations.	Permitted 20.11.20
19/02991/NMA	Non-material amendments to planning permission 19/00313/FULL to change attraction 9 from the Waltzer to the flying dumbos	Permitted 25.11.19
19/00313/FULL	Construction of ice rink and attractions between October and January for the years 2019-2022	Permitted 19.9.19
17/04007/FULL	Construction of ice rink and attractions from 30 th October 2018 to 21 st January 2019	Permitted 30.4.18
17/00895/FULL	Construction of ice rink and attractions from 30 th October 2017 to January 21 st 2018.	Permitted. 22.8.17
16/01788/FULL	Construction of ice rink and attractions from November to January	Approved 22.07.2016

15/01800/FULL	Erection of an Ice Rink with family funfair attractions for a temporary period for use by public over Christmas period from November 2015 until January 2016	Approved 21.08.2015
14/02390/FULL	Erection of an Ice Rink with family funfair attractions for a temporary period to be constructed from the 13th November 2014 in use between the 26th November 2014 through to 7th January 2015 and dismantled from site by 14th January 2015	Approved 10.10.2014

7. DEVELOPMENT PLAN

7.1 The main relevant policies are:

Adopted Borough Local Plan

Issue	Policy	Compliance	
Climate Change	SP2	Yes	
Character and Design of New Development	QP3	Yes	
River Thames Corridor	QP4	Yes	
Historic Environment	HE1	Yes	
Managing Flood Risk and Waterways	NR1	Yes	
Trees, Woodlands and Hedgerows	NR3	Yes	
Environmental Protection	EP1	Yes	
Artificial Light Pollution	EP3	Yes	
Noise	EP4	Yes	
Sustainable Transport	IF2	Yes	
Open Space	IF4	Yes	

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

Section 12- Achieving well-designed places

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

Section 16- Conserving and enhancing the historic environment

Supplementary Planning Documents

- Borough Wide Design Guide
- Conservation Area Appraisal – Windsor Town Centre 2009

Other Local Strategies or Publications

- Interim Sustainability Position Statement
- Environment and Climate Strategy

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

21 occupiers were notified directly of the application.

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

Comment		Where in the report this is considered
1.	Loss and destruction of public green space	Section 10.6
2.	Increase in pollution – noise, fumes and light.	Section 10.10-10.12
3.	Extra traffic and no parking provision	Section 10.15 & 10.6
4.	Ugly funfair causes unnecessary disruption to historic gardens and views of castle.	Section 10.2-10.5
5.	Area has been extended and is very close to trees and planting.	Section 10.17 & 10.18
6.	Proposals are unsightly and out of keeping	Section 10.2-10.5
7.	Park is out of bounds to the residents and public for many months	10.6
8.	Excessive use of non-renewable energy and use of carbon-based generators is bad for the environment	Section 10.8 & 10.9
9.	Noise is unpleasant in quiet area next to the river and historic park.	10.4
10	Gardens should be used as public attraction and not be used for short term financial gain	Section 10.6
11	No consideration given to the impact on climate change through carbon emissions from operating an ice rink – a lot of water and energy is consumed to keep the ice frozen.	Section 10.8 & 10.9
12	The proposed ice rink will cover an area of 468sq.m and emissions will be expected to be 13 tonnes per month which RBWM can ill afford to bear.	Section 10.8 & 10.9
13	An analysis of proposed water and energy consumption should be provided as part of the application.	Section 10.8 & 10.9
14	The sustainability information provided is insufficient – data is required on the amount of energy and carbon spent in the rink's construction, operation and removal. Quantitative measures to forecast water and energy consumption and carbon dioxide emissions need to be supplied.	Section 10.8 & 10.9
15	The latest proposals show an increase in the number of fun fair facilities	Section 5.3

Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No objection	Section 10.13 & 10.14
	No objection	

Conservation Officer		Section 10.2-10.5
Environmental Protection	No objection	Section 10.10-10.12
Highways	No highway concerns.	Section 10.5 & 10.16
Tree Officer	No objection.	Section 10.17 & 10.18

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Impact on the Heritage Assets and character and appearance of area.
- ii Impact on Open Space and River Thames Corridor
- iii Climate Change and Sustainability
- iii Impact on the living conditions of nearby properties
- iv Flood Risk
- v Highway safety and parking.
- vi Impact on trees

The impact on the Heritage Assets and character and appearance of the area.

10.2 Alexandra Gardens falls outside the Windsor Town Centre Conservation Area and lies to the northwest of the rear of the grade II listed Windsor Royal Station complex. There are views available from the park towards Windsor Castle. Adopted policy HE1 states that the historic environment should be conserved and enhanced in a manner appropriate to its significance and development proposals are required to demonstrate how they preserve or enhance the character, appearance and function of heritage assets. Policy QP3 sets out several design criteria including the retention of important local views of historic buildings including key landmarks such as Windsor Castle.

10.3 Retaining the view towards the Castle has been an important consideration in the past and a condition limiting the height of the rides/attractions to not exceed 6.25m has previously been imposed. This current proposal includes 3 rides which would exceed this height limit. The Bungee trampolines (6.7m), Trooper (13.22m) and Avengers (8m). These are maximum operating heights and are not constant heights. The layout of the rides/attractions has been altered in this current proposal to provide a main pathway through the site which would help improve the views available towards Windsor Castle.

10.4 It is acknowledged that the rides and associated noise would have a negative impact on the setting and significance of the adjacent Conservation Area and nearby listed structures. However, the impact on the setting of these heritage assets would be temporary in nature and therefore low to moderate. The level of harm caused would

be less than substantial and where proposals would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal (paragraph 202 of the NPPF). In this case given the heritage impacts are minor and there would be a positive benefit to the economy of the town centre and the beneficial increase in the visitor numbers to the area, it is considered that the limited harm to heritage would be outweighed.

- 10.5 Overall it is considered that the proposal is acceptable in terms of adopted policies HE1 and QP3.

Impact on Open Space and River Thames Corridor

- 10.6 Adopted policy IF4 seeks to protect, maintain and where possible enhance existing open space in the Borough. Only part of the gardens would be used for a limited period during the winter months, when public use is more limited. The rest of the gardens remains unaffected. The land would be reinstated to its original condition when the structures are removed. Given the temporary nature of the proposal it is considered that the proposal is acceptable in terms of adopted policy IF4.
- 10.7 The site lies within the River Thames Corridor. Adopted policy QP4 seeks to conserve and enhance the special character and setting of the River Thames. The gardens are reasonably well screened by trees and hedges and given the temporary nature of the use would not give rise to an unacceptable impact on the character and setting of the River Thames.

Climate Change and Sustainability

- 10.8 Adopted policy SP2 requires all developments to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change and the Interim Sustainability Position Statement sets out various measures which need to be achieved. In this case the proposal does not involve any permanent new buildings. It is however still important that the proposal is as sustainable as it can be to help reduce carbon emissions. In this regard it has been confirmed by the applicant that their sustainability has been improving every year over the past three years. All lights used on site and the attractions are now low energy LEDs. Products are being re-used and recycled several times over each year. The ice rink has increased its insulation depth from 10mm to 50mm which in turn provides a stronger barrier for keeping ice frozen, so less energy is required to maintain the ice. All waste is recycled. The refrigeration chillers are at the highest level of efficiency for equipment on the market for 2022/23 and if more efficient chillers become available on the market in 2024 these will be used. The generators used are the highest in their class for efficiency and lowest in terms of emissions currently on the market for 2022 and if more efficient generators become available for 2023-24 then these too will be used. The event will be running on bio diesel for the 2022-24 seasons. Details of the Biofuel GreenD+ have been supplied. It is a fossil-free, paraffinic fuel made from 100% renewable raw materials and is suitable for all diesel-powered generators. It was used to power generators for the Winter Wonderland in Hyde Park in 2019.
- 10.9 It is noted that concerns have been raised about the carbon emissions resulting from the ice rink and data to quantify the amount of energy and carbon spent in the rink's construction, operation and removal as well as forecasts for water and energy consumption and carbon dioxide emissions have been suggested. The applicant has confirmed that this will be the first year they will be operating biodiesel and therefore it is difficult to quantify. The amount of water used in the ice rink has never been measured, although it can be measured once the setup is in operation. Given the

temporary nature of the use it is considered that the measures being proposed are sufficient to help adapt to and mitigate climate change and the sustainability measures set out above can be secured by condition.

The impact on the living conditions of nearby properties

- 10.10 The closest residential properties are located to the southeast of the site in Castleview House, Bridgewater Terrace. Adopted policies QP3, EP1, EP3 and EP4 seek to protect residential amenity from noise, smell and light pollution amongst other things.
- 10.11 As before a condition can be imposed to restrict the hours of operation to between 10am and 9pm to protect the amenities of the nearby occupiers. The Environmental Protection team has raised no objection to the proposal but wish to point out that the granting of permission does not preclude Environmental Protection from taking formal action under the Environmental Protection Act 1990 if substantive complaints are subsequently received.
- 10.12 It is considered that the proposal is sufficiently distant from neighbouring residential properties and would not result in an unacceptable impact on their living conditions in terms of noise, smell and light pollution and as such would accord with adopted policy QP3, EP1, EP3 and EP4.

Flood Risk

- 10.13 The site lies within Flood Zone 3a (high probability of flooding). The Environment Agency has confirmed that the small encroachment in the flood plain is unlikely to be significant or even measurable given the temporary nature of the development. It is not considered that anything further needs to be done in terms of taking a sequential approach to the placement of temporary work elements and the EA has raised no objection to the proposal.
- 10.14 The Event Plan & Risk Assessment accompanying the application has been updated to include appropriate mitigation measures in the event of a flood event (section 6). The proposal is acceptable in terms of flood risk and accords with adopted policy NR1.

Highway safety and parking

- 10.15 The site is located close to Windsor town centre, in an area of good accessibility, close to the railway stations and public transport. Visitors would also have the use of existing on-street parking in Barry Avenue and several nearby public car parks. There has been no reported highway or car parking issues in previous years.
- 10.16 The proposal raises no highway or parking concerns and accords with adopted policy IF2.

Impact on trees

- 10.17 There are many important trees within the park, mainly confined to the boundaries. Adopted policy NR3 requires development proposals to carefully consider the impact of the proposed development on existing trees.
- 10.18 The layout plan has been revised to ensure that none of the trees are affected. To protect the trees, all vehicles associated with the installation, operation and dismantling of the rides should not cross soft ground unless otherwise on the temporary roadway

formed by the Euromat, as shown on the layout plan. A pedestrian trackway is required to be installed around all the rides and this shall remain in place during the operation of the rides. Subject to securing a suitable condition the proposal is acceptable in terms of its impact on trees and accords with adopted policy NR3.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

11.1 The proposal is not CIL liable.

12. CONCLUSION

12.1 As before, notwithstanding that the proposal is in a sensitive location, the proposal is for a temporary period over the Christmas period for the next 3 years and considering the associated spin-off benefits to the local economy and town centre, the scheme is acceptable. The application complies with the relevant policies set out in the adopted Borough Local Plan.

13. APPENDICES TO THIS REPORT

Appendix A - Site location plan and layout plans
Appendix B - Details of marquees and rides/attractions

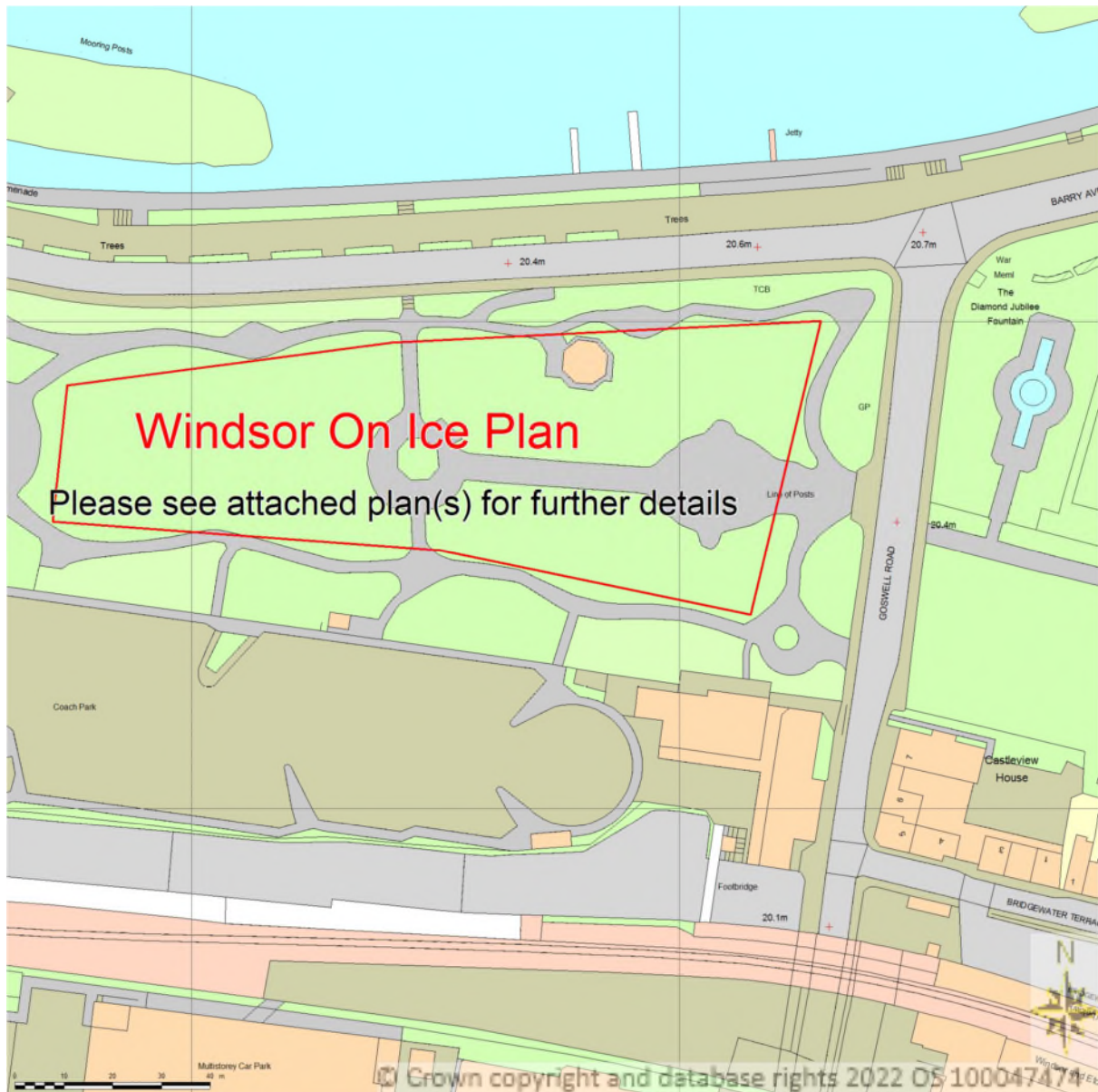
14. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

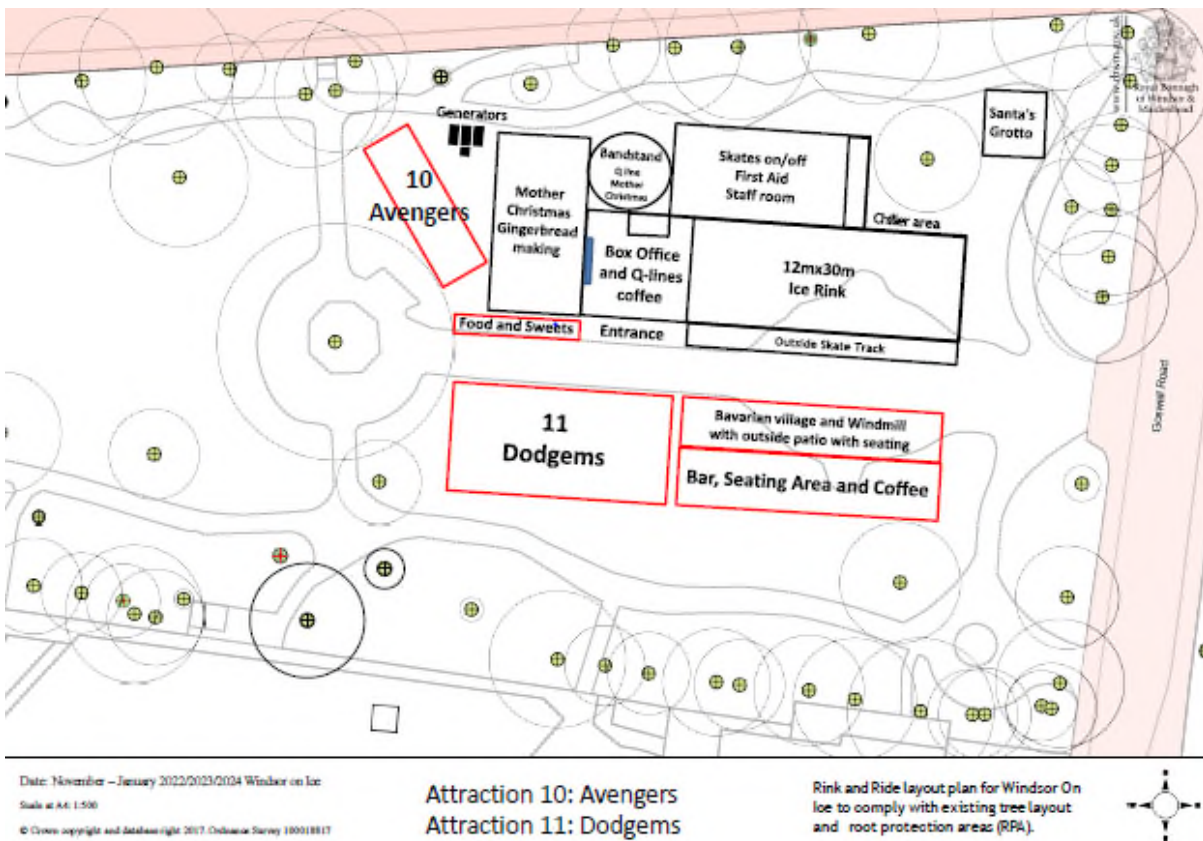
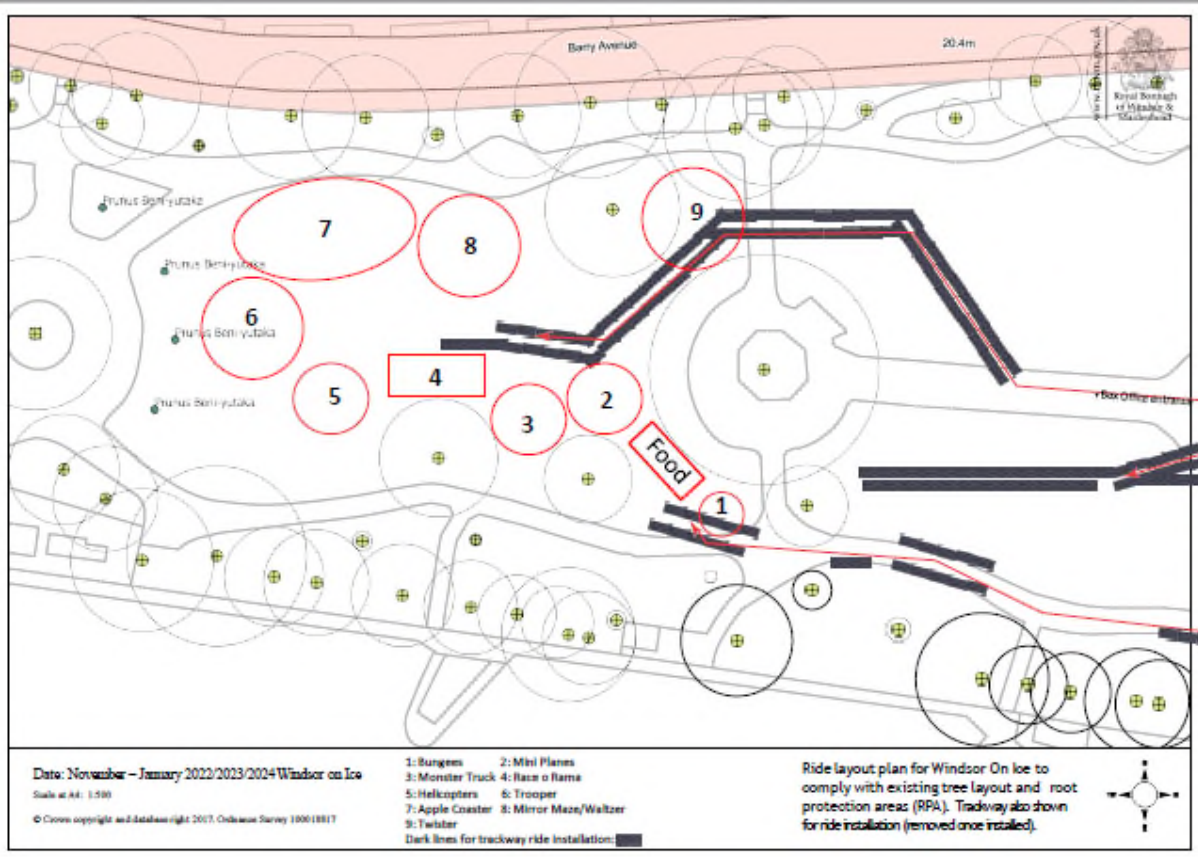
- 1 The development shall operate as follows:
Year 1 - Not commence until 24th October 2022 and shall be open to the public between 13th November 2022 and 8th January 2023. The structures and equipment shall be removed from the site by 22nd January 2023 and the land reinstated/restored to its former condition by the end of February 2023.
Year 2 - Not commence until 24th October 2023 and shall be open to the public between 17th November 2023 and 7th January 2024. The structures and equipment shall be removed from the site by 22nd January 2024 and the land reinstated/restored to its former condition by the end of February 2024.
Year 3 - Not commence until 24th October 2024 and shall be open to the public between 16th November 2024 and 5th January 2025. The structures and equipment shall be removed from the site by 22nd January 2025 and the land reinstated/restored to its former condition by the end of February 2025.
Reason: The proposal does not constitute a form of development that the Local Planning Authority would normally permit. However, in view of the particular circumstances of this application temporary planning permission is granted. Relevant saved policies - Local Plan QP3, HE1 and IF4.
- 2 This temporary use of the land hereby permitted shall only operate between the hours of 10:00 hours and 21:00 hours.
Reason: To protect the amenities of nearby residents. Relevant policies - QP3 and EP4.
- 3 During the installation and removal of the rides/attractions vehicles shall be kept on the hard surfaced paths and the areas of ground protection shown as trackways on the RPA and rides plan received on the 1st April 2022. A pedestrian trackway is also required to be installed around all the rides and shall remain in place for the duration of the use.
Reason: To protect the trees which contribute to the visual amenities of the site and surrounding area. Relevant Policy - Local Plan NR3.
- 4 The development shall operate in accordance with the flooding information set out in section 6 of the 'Event Plan and Risk Assessment' document received on the 10th March 2022.

- Reason: To ensure appropriate flood mitigation. Relevant Policy - Local Plan NR1.
- 5 The development shall be carried out in accordance with the sustainability measures set out in Planning Statement received on the 10th March 2022.
- Reason: To ensure appropriate sustainability measures. Relevant Policy - Local Plan SP2.
- 6 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
- Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

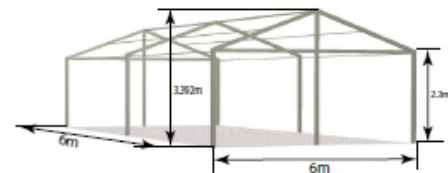
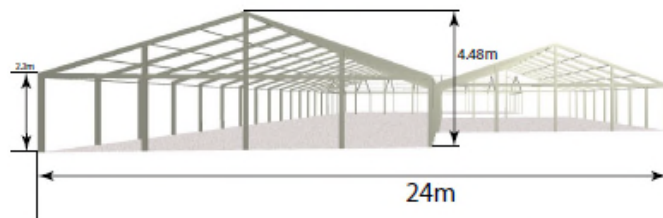
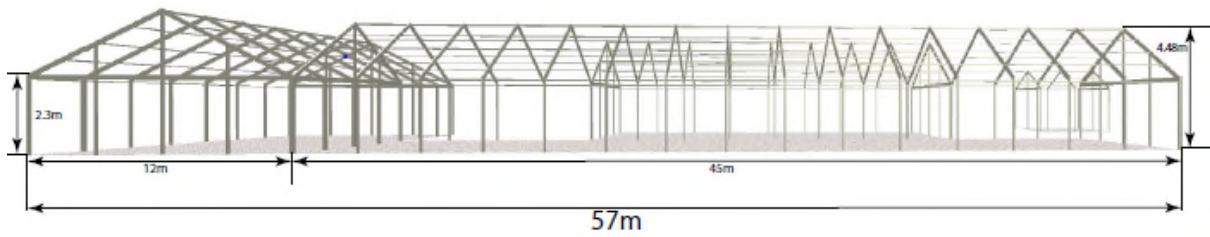
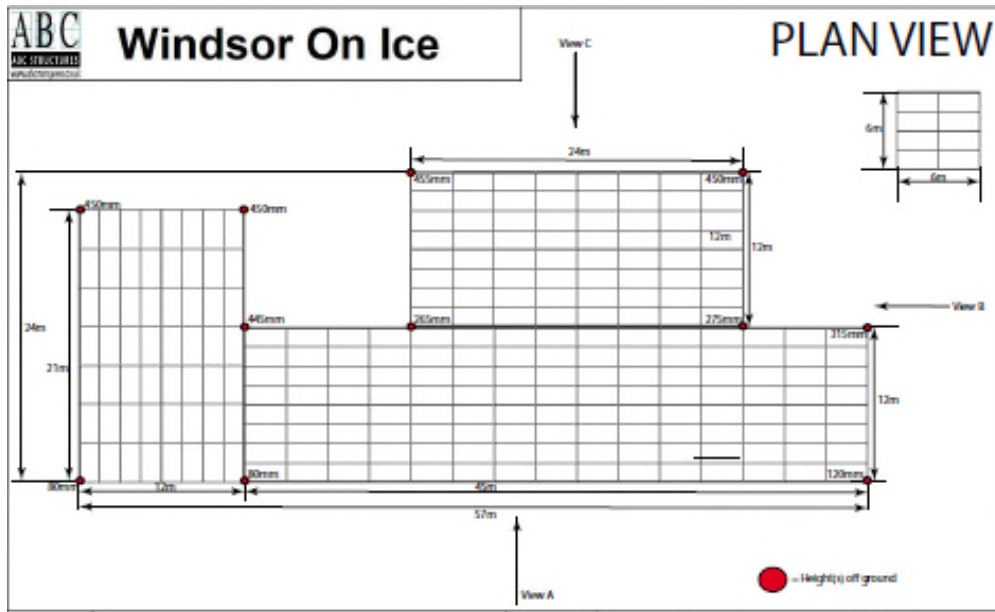
Application number 21/02291/FULL – Alexandra Gardens, Barry Avenue, Windsor

Appendix A – site location plan and layout plans





APPENDIX B – DETAILS OF MARQUEES



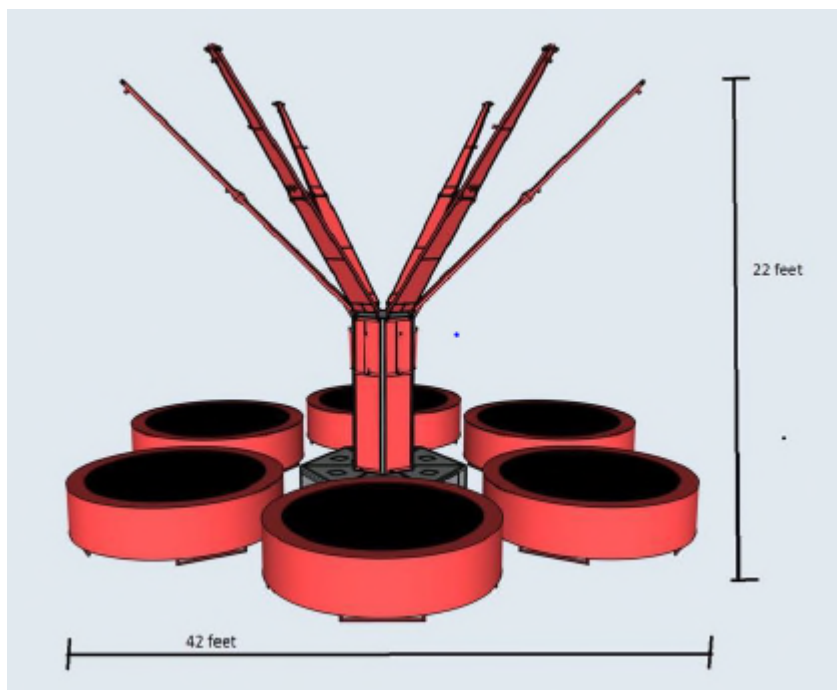
DETAILS & EXAMPLE OF RIDES/ATTRACTIONS

Attraction ride heights

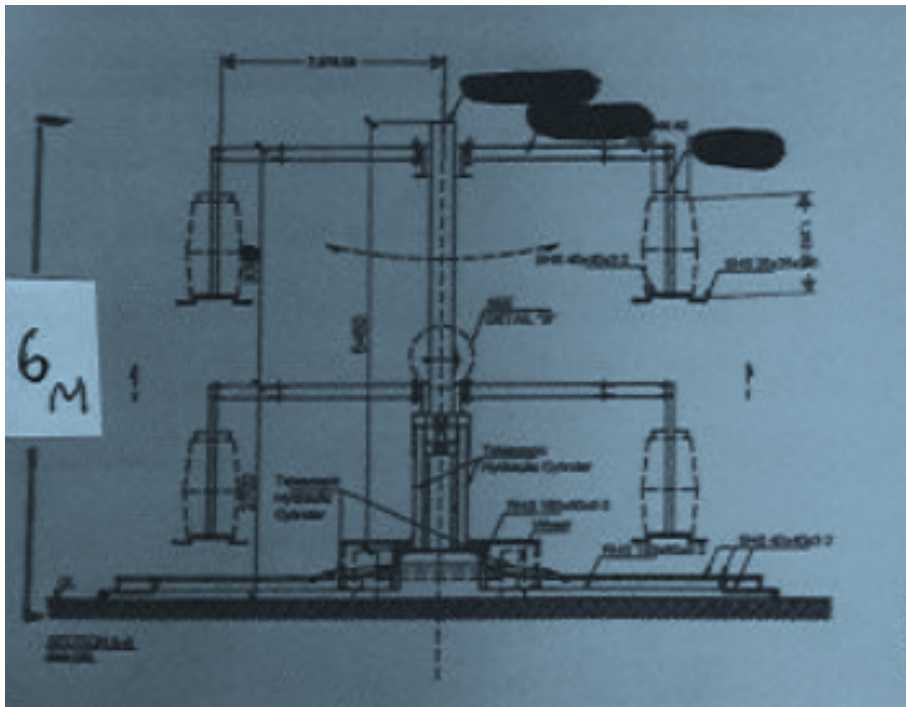
<u>Attraction:</u>	<u>Attraction name:</u>	<u>Attraction height in meters:</u>
1	Bungees *	6.7m
2	Mini Planes *	3.04m
3	Monster Trucks	4m
4	Race-O-Rama	5.08m
5	Helicopters *	6m
6	Trooper *	13.22m
7	Apple Coaster *	6m
8	Waltzer	6m
9	Twister *	4.11m
10	Avengers *	8m
11	Dodgems	5.5m

Please note attraction names marked with a * are maximum operating heights and are not constantly at that height.

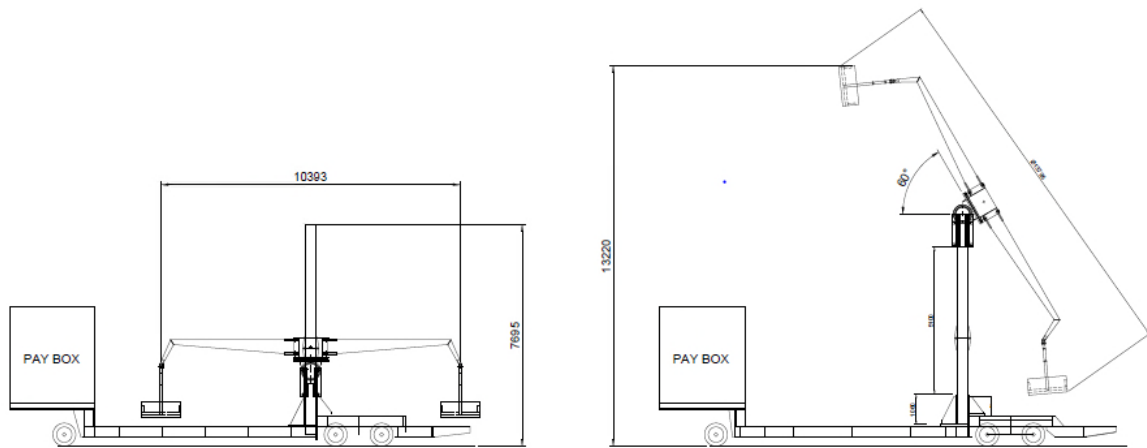
BUNGEEES



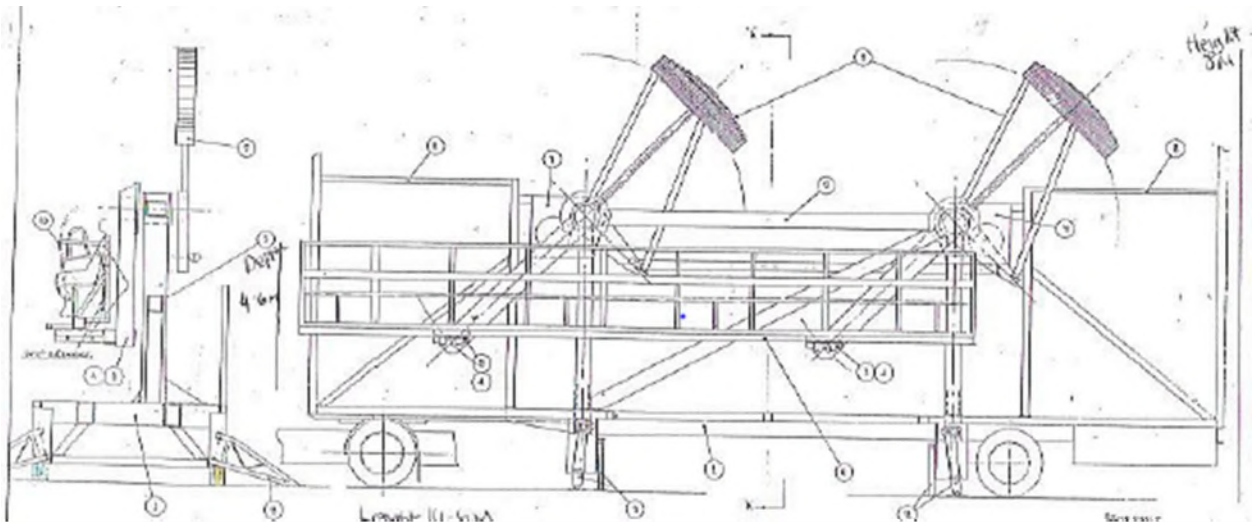
HELICOPTERS



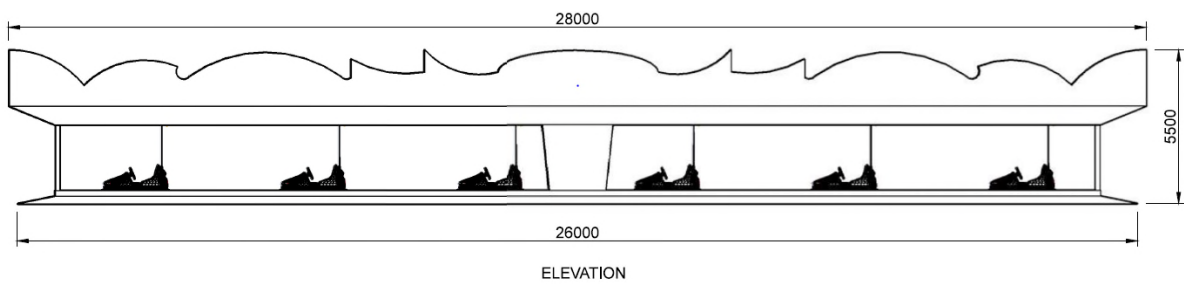
TROOPER



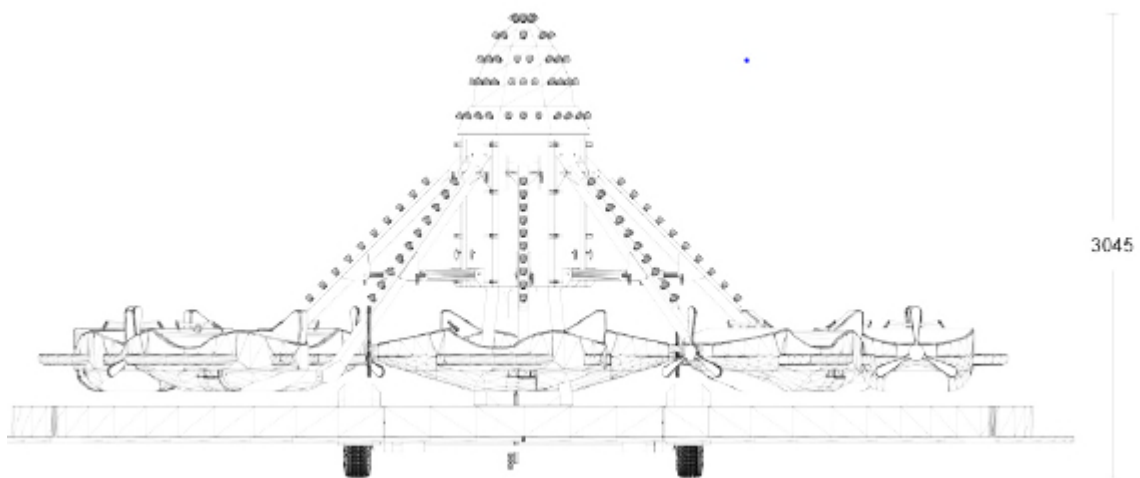
AVENGERS



DODGEMS



MINI PLANES



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Planning Appeals Received

29 March 2022 - 22 April 2022

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: Windsor Unparished
Appeal Ref.: 21/60081/REF **Planning Ref.:** 21/02034/FULL **PIns Ref.:** APP/T0355/W/21/3284812
Date Received: 29 March 2022 **Comments Due:** 3 May 2022
Type: Refusal **Appeal Type:** Written Representation
Description: Two storey front/side extension with rear balcony and alterations to fenestration.
Location: **16 Washington Drive Windsor SL4 4NS**
Appellant: Mrs Odette Paesano **c/o Agent:** Mr Mark Leedale Mark Leedale Planning 52 Crondall Lane Farnham Surrey GU9 7DD

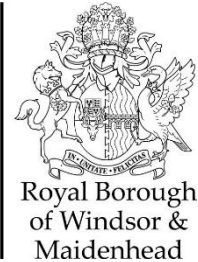
Ward:
Parish: Wraysbury Parish
Appeal Ref.: 22/60032/REF **Planning Ref.:** 21/02478/FULL **PIns Ref.:** APP/T0355/D/22/3294292
Date Received: 29 March 2022 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: New front entrance canopy, alterations to the roof to include x1 front rooflight, x2 front dormers and x3 rear dormers to enlarge the existing first floor accommodation and alterations to fenestration - retrospective.
Location: **Watersmeet House 18 Kingswood Creek Wraysbury Staines TW19 5EN**
Appellant: Billa Hothi **c/o Agent:** Mr Richard Simpson RJS Planning 132 Brunswick Road London W5 1AW

Ward:
Parish: Windsor Unparished
Appeal Ref.: 22/60033/REF **Planning Ref.:** 21/00803/FULL **PIns Ref.:** APP/T0355/W/21/3288290
Date Received: 6 April 2022 **Comments Due:** 11 May 2022
Type: Refusal **Appeal Type:** Written Representation
Description: Replacement dwelling and detached garage.
Location: **Knoll House St Leonards Hill Windsor SL4 4AL**
Appellant: James Ambo **c/o Agent:** Mr Jake Geczy DP9 100 Pall Mall London SW1Y 5NQ

Appeal Decision Report

29 March 2022 - 22 April 2022

www.rbwm.gov.uk



Windsor and Ascot

Appeal Ref.: 21/60076/REF **Planning Ref.:** 21/01674/FULL **Plns Ref.:** APP/T0355/D/21/3285167

Appellant: Mrs Imme Davies **c/o Agent:** Mrs Caroline Longman Longman Planning Consultancy 20 Greetham Road Aylesbury HP21 9BS

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

Description: New front boundary treatment including a sliding vehicular entrance gate, garage conversion, part first and second floor front/side extension with front undercroft, single storey side/rear extension, new roof over the existing dwelling, x1 front dormer, new front rooflights, x3 rear dormers and alterations to fenestration.

Location: **11 Bolton Avenue Windsor SL4 3JD**

Appeal Decision: Dismissed **Decision Date:** 20 April 2022

Main Issue: The Inspector found that the proposals would impact the amenities of the neighbouring dwelling, as well as have an impact on the highway as a result of the proposal

Appeal Ref.: 22/60001/REF **Planning Ref.:** 21/00154/FULL **Plns Ref.:** APP/T0355/W/21/3287620

Appellant: Mr K Brook **c/o Agent:** Miss Michaela Mercer Mercer Planning Consultants Ltd Castle Hill House 12 Castle Hill Windsor Berkshire SL4 1PD

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

Description: Two storey side extension and x2 new rooflights.

Location: **34A St Lukes Road Old Windsor Windsor SL4 2QQ**

Appeal Decision: Allowed **Decision Date:** 20 April 2022

Main Issue: The Inspector concludes that the proposal would not harm the character and appearance of the area. It would therefore comply with policies QP1 and QP3 of the BLP, the aims of the SPD, and the National Planning Policy Framework (the Framework), all of which require a high quality of design. Subject to a condition requiring a revised FRA, the Inspector concludes that the proposal would not lead to an increase in flood risk. It would therefore comply with Policy NR1 of the BLP, and the guidance in the Framework and the PPG.

Appeal Ref.: 22/60004/REF **Planning Ref.:** 21/02475/FULL **Plns Ref.:** APP/T0355/D/21/3289303

Appellant: Mr Parsonage **c/o Agent:** Mr Stuart Keen SKD Design Ltd Unit 2 Howe Lane Farm Howe Lane Maidenhead SL6 3JP

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

Description: Single storey front/side extension.

Location: **2A Martin Close Windsor SL4 5SP**

Appeal Decision: Dismissed **Decision Date:** 14 April 2022

Main Issue: The subsequent development would project significantly beyond the line of the existing garages, at around 5m from the front of the house, which already lies proud of the rest of the terrace. As such, this ground floor extension would be highly visible and due to its elongated nature appear incongruous within the wider street scene. This would be particularly evident when leaving Martin Close and when viewed from Willows Path which at the time of my site visit, in the middle of the afternoon, appeared to be well used. Consequently, the proposed development would have an adverse impact on the character and appearance of the street scene and would therefore be contrary to Policies QP3 of the Borough Local Plan and DES.01 of the Neighbourhood Plan. These policies require development to be designed to respect and enhance the local character of an area.

Appeal Ref.: 22/60005/REF **Planning Ref.:** 21/01371/FULL **Plns Ref.:** APP/T0355/D/21/3282844

Appellant: Mrs Joit Uppal Santana 54 Llanvair Drive Ascot SL5 9LN

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

Description: New detached outbuilding.

Location: **Santana 54 Llanvair Drive Ascot SL5 9LN**

Appeal Decision: Dismissed **Decision Date:** 11 April 2022

Main Issue: The Inspector concludes that the proposed development would have an unacceptable effect on the character and appearance of the area. The proposal would conflict with saved Policy DG1 of The Royal Borough of Windsor and Maidenhead Local Plan 2003 and Policies NP/DG1, NP/DG2 and NP/DG3 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan 2014. These policies generally seek to ensure all new development has regard to its context and is designed to prevent harm to the character of the surrounding area. The proposal would also conflict with the design objectives set out in section 12 of the National Planning Policy Framework.

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