

NOTICE
OF
MEETING

**WINDSOR AND ASCOT DEVELOPMENT
MANAGEMENT COMMITTEE**

will meet on

WEDNESDAY 4 JANUARY 2023

At 7.00 pm

In the

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

TO: MEMBERS OF THE WINDSOR AND ASCOT DEVELOPMENT MANAGEMENT COMMITTEE

COUNCILLORS DAVID CANNON (CHAIRMAN), SAYONARA LUXTON (VICE-CHAIRMAN), SHAMSUL SHELMIM, GARY MUIR, DAVID HILTON, AMY TISI, EWAN LARCOMBE, WISDOM DA COSTA AND JON DAVEY

SUBSTITUTE MEMBERS

COUNCILLORS KAREN DAVIES, JOHN BOWDEN, JULIAN SHARPE, HELEN PRICE, CAROLE DA COSTA, JOHN STORY, SAMANTHA RAYNER, DAVID COPPINGER AND NEIL KNOWLES

Karen Shepherd – Head of Governance - Issued: 22 December 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.	5 - 8
3.	<u>MINUTES OF PREVIOUS MEETING</u> To approve the minutes of the meeting held on 2 November 2022 as a true and accurate record.	9 - 12
4.	<u>22/01492/FULL - LAND EAST OF HORTON ROAD HORTON SLOUGH</u> PROPOSAL: Continued use of approximately 12 hectares of land for a proposed inert waste recycling facility, including weighbridge, site offices, welfare facilities and machinery store and workshop; the retention of the raised bunds, existing planted trees and associated landscaping and the existing access; and the erection of a southern bund and associated landscaping. RECOMMENDATION: PERMIT APPLICANT: Jayflex Aggregates Limited MEMBER CALL-IN: N/A EXPIRY DATE: 6 January 2023	13 - 46
5.	<u>22/01593/FULL - LEGOLAND WINDSOR RESORT WINKFIELD ROAD WINDSOR SL4 4AY</u> PROPOSAL: Construction of a new building with associated works and infrastructure to create an indoor attraction - development to dovetail with planning permission 17/01878/OUT. RECOMMENDATION: PERMIT APPLICANT: Legoland Windsor Park Ltd MEMBER CALL-IN: N/A EXPIRY DATE: 23 January 2023	47 - 72
6.	<u>22/02092/FULL - SUPER VETTURA LONDON ROAD SUNNINGDALE ASCOT SL5 0DQ</u>	73 - 84

PROPOSAL: Construction of a replacement two storey car showroom.

RECOMMENDATION: PERMIT

APPLICANT: Mr Burrows

MEMBER CALL-IN: N/A

EXPIRY DATE: 22 September 2022

7.

PLANNING APPEALS RECEIVED AND PLANNING DECISION REPORT

85 - 88

To note the contents of the report.

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

In accordance with the requirements of the Local Government (Access to Information) Act 1985, each item on this report includes Background Papers that have been relied on to a material extent in the formulation of the report and recommendation.

The 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 within the report, 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, The National Planning Policy Framework, National Planning Practice Guidance, National Planning Circulars, 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 within the report.

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:

- a) any unpaid directorships
 - b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
 - c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
- of which you are a member or in a position of general control or management

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, or a body included under Other Registerable Interests in Table 2 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 financial interest or well-being of a body included under Other Registerable Interests as set out in Table 2 (as set out above and in 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 (referred to in the paragraph above) **affects** the 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, 2 NOVEMBER 2022

PRESENT: Councillors David Cannon (Chairman), Sayonara Luxton (Vice-Chairman), Shamsul Shelim, David Hilton, Amy Tisi, Jon Davey, Julian Sharpe and Ewan Larcombe

Also in attendance virtually: Councillor Phil Haseler

Officers: Oran Norris-Browne, Sian Saadeh, Jo Richards, Jeffrey Ng and Alison Long

APOLOGIES FOR ABSENCE

Apologies were received from Councillor Da Costa and Councillor Muir, who Councillor Sharpe substituted for.

DECLARATIONS OF INTEREST

Councillor Tisi declared that she had a friend who lived opposite the site of application 22/00934/OUT and that before she became a Councillor she also campaigned against building on the greenbelt in this area. She attended the meeting with an open mind.

Councillor Hilton declared that his wife was a Parish Councillor for Sunninghill and Ascot but attended the meeting with an open mind.

Councillor Sharpe declared that his wife was the Chairman of Sunninghill and Ascot Parish Council, but attended the meeting with an open mind.

MINUTES OF PREVIOUS MEETING

AGREED UNANIMOUSLY: That the minutes of the meeting held on 5 October 2022 be a true and accurate record.

21/03363/FULL - SITE OF FORMER SHEPHERDS HUT 17 ETON WICK ROAD ETON WICK WINDSOR

This item was withdrawn from the agenda by the applicant prior to the meeting.

22/00934/OUT - LAND ADJACENT THE HATCH AND SOUTH OF MAIDENHEAD ROAD AND NORTH OF WINDSOR ROAD WATER OAKLEY WINDSOR

A motion was put forward by Councillor Hilton to permit the application subject to the completion of all the matters that were listed within the committee update and the conditions listed in section 15 of the report. This was in line with officer's recommendation.

Councillor Tisi then proposed an amendment to Councillor Hilton's motion that was to bring back all of the reserved matters to the committee for the application in question.

Councillor Hilton then agreed to the amendment that Councillor Tisi had discussed, and he added this to his motion. Councillor Shelim then seconded Councillor Hilton's motion.

The final motion was to permit the application subject to the completion of all the matters that were listed within the committee update and the conditions listed in section 15 of the report

and that all of the reserved matters applications pursuant to the outline permission would be brought to the committee for determination. This was proposed by Councillor Hilton and seconded by Councillor Shelim.

A named vote was taken.

22/00934/OUT - Land Adjacent The Hatch And South of Maidenhead Road And North of Windsor Road Water Oakley Windsor (Motion)	
Councillor David Cannon	For
Councillor Sayonara Luxton	Abstain
Councillor Shamsul Shelim	For
Councillor David Hilton	For
Councillor Amy Tisi	Against
Councillor Jon Davey	For
Councillor Julian Sharpe	For
Councillor Ewan Larcombe	Abstain
Carried	

AGREED: That planning permission be granted subject to the completion of all the matters that were listed within the committee update and the conditions listed in section 15 of the report and that all of the reserved matters applications pursuant to the outline permission be brought back to the committee for determination.

The committee were addressed by three speakers, Martin Hall, Objector, Parish Councillor Nick Pellew and Jordan Van Laun, Applicant's Agent.

22/01431/FULL - RSG MOTOR GROUP HALFPENNYS GARAGE KINGS ROAD SUNNINGHILL ASCOT SL5 7BT

A motion was put forward by Councillor Hilton to refuse planning permission due to the reasons listed in section 15 of the report, which was in line with officer's recommendation. This was seconded by Councillor Sharpe.

A named vote was taken.

22/01431/FULL - RSG Motor Group Halfpennys Garage Kings Road Sunninghill Ascot SL5 7BT (Motion)	
Councillor David Cannon	For
Councillor Sayonara Luxton	For
Councillor Shamsul Shelim	For
Councillor David Hilton	For
Councillor Amy Tisi	For
Councillor Jon Davey	For
Councillor Julian Sharpe	For
Councillor Ewan Larcombe	For
Carried	

AGREED UNANIMOUSLY: That planning permission be refused due to the reasons listed in section 15 of the report.

The committee were addressed by one speaker, Parish Councillor Robin Wood.

22/02164/FULL - SOUTH ASCOT VILLAGE SCHOOL ALL SOULS ROAD ASCOT SL5 9EA

A motion was put forward by Councillor Sharpe to grant planning permission with the conditions listed in section 15 of the report. This was in line with officer's recommendation. This was seconded by Councillor Tisi.

A named vote was taken.

22/02164/FULL - South Ascot Village School All Souls Road Ascot SL5 9EA (Motion)	
Councillor David Cannon	For
Councillor Sayonara Luxton	For
Councillor Shamsul Shelim	For
Councillor David Hilton	For
Councillor Amy Tisi	For
Councillor Jon Davey	For
Councillor Julian Sharpe	For
Councillor Ewan Larcombe	For
Carried	

AGREED UNANIMOUSLY: That planning permission be granted with the conditions listed in section 15 of the report.

PLANNING APPEALS RECEIVED AND PLANNING DECISION REPORT

The committee noted the report.

The meeting, which began at 7.00 pm, finished at 8.34 pm

CHAIRMAN.....

DATE.....

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ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

4 January 2023

Item: 1

Application No.:	22/01492/FULL
Location:	Land East of Horton Road Horton Slough
Proposal:	Continued use of approximately 12 hectares of land for a proposed inert waste recycling facility, including weighbridge, site offices, welfare facilities and machinery store and workshop; the retention of the raised bunds, existing planted trees and associated landscaping and the existing access; and the erection of a southern bund and associated landscaping.
Applicant:	Jayflex Aggregates Limited
Agent:	Mr Phillip Taylor
Parish/Ward:	Horton Parish/Datchet Horton And Wraysbury
If you have a question about this report, please contact: Jeffrey Ng on or at jeffrey.ng@rbwm.gov.uk	

1. SUMMARY

- 1.1. Horton Brook Quarry is subject to an extant temporary planning permission (17/03850/VAR) for the extraction of sand and gravel with ancillary waste processing. The works commenced in 2010 and the period of extraction and infilling is 15 years from the commencement of development in total. The permission also requires the site to be restored to agricultural land and all of the facilities and raised screening bunds to be removed accordingly.
- 1.2. This current application seeks permission to continue to use approximately 12 hectares of land within Horton Brook Quarry (the application site) and the ancillary waste processing facility and other supporting infrastructure including a weighbridge, site offices, welfare facilities and machinery store and workshop for a permanent inert waste recycling use. The proposal also comprises the retention of the raised bunds, existing planted trees and associated landscaping and the existing access; and the erection of a new southern bund and associated landscaping.
- 1.3. The Report sets out the Development Plan policies, other relevant Policies and Guidance, and other material planning considerations relevant to this planning application.
- 1.4. The application site is an allocated site within the newly adopted Central and Eastern Berkshire Joint Minerals & Waste Plan and the proposed development would make a significant contribution to the identified shortfall in inert recycling capacity. The proposed development would allow the materials to be recycled which is a preferred form of waste management in the waste hierarchy. Furthermore, the Minerals & Waste Plan also sets out the justification for this site allocation and it is considered that it is more sustainable to continue to use the existing facilities than relocate the development elsewhere in this case.

- 1.5. The proposed development is considered acceptable in terms of highways, heritage, ecology and biodiversity, environmental health, flood risk and sustainable drainage (subject to planning conditions and s106 obligations).
- 1.6. When cumulatively considering the weight of the benefits of the proposed development, the weight to be applied to them would more than outweigh the substantial harm to the Green Belt and other limited harm identified in this application including impact on landscape character and rights of way. Therefore, Very Special Circumstances exist in this case to justify the harm to the Green Belt as a result of the proposal.
- 1.7. The Report also sets out matters which have been identified to depart from the Development Plan and where appropriate have been justified by way of other material considerations.
- 1.8. Therefore, the Officer's recommendation is to approve subject to the matters set out below:

It is recommended the Committee authorises the Head of Planning:	
1.	<p>To grant planning permission subject to the following:</p> <p>Completion of Section 106 legal Agreement to secure:</p> <ul style="list-style-type: none"> • An HGV Routing agreement • A financial contribution of £6,000 per annum for a ten-year period from the date of this permission towards two Colne and Crane Valleys Green Infrastructure Strategy 2019 projects, namely SC207 Colnebrook, Poyle, Horton landscape enhancement and SC102 the proposed pedestrian and cycle access link between Colnebrook and Staines Moor • The conditions are listed in Section 15 of this report.
2.	<p>To refuse planning permission if a Section 106 agreement cannot be secured for reasons that the development would result in an adverse impact on the highway and not provide the requisite Green Belt compensation, resulting in harm to the Colne Valley Park and landscape character of the area.</p>

2. REASON FOR COMMITTEE DETERMINATION

- 2.1. 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 Committee as this application is a major application.

3. THE SITE AND ITS SURROUNDINGS

- 3.1. Horton Brook Quarry comprises an area of land of approximately 55 hectares to the east of Horton Road. The Quarry is entirely within the Metropolitan Green Belt and the Colne Valley Regional Park and is in close proximity to Queen Mother Reservoir. The application site is approximately 12 hectares of the wider Quarry site.

- 3.2. The application site is not within any designated protected sites. However, it is approximately 0.1 kilometres from the Southwest London Waterbodies Special Protection Area (SPA) and the Wraysbury & Hythe End Gravel Pits Site of Special Scientific Interest (SSSI). The site is approximately 0.5 kilometres from the Wraysbury No.1 Gravel Pit SSSI. The site is also in close proximity to other non-statutory designated sites, including Wraysbury II Gravel Pits Local Wildlife Site (LWS), Wraysbury I Gravel Pit LWS, Colne Brook LWS and Horton and Kingsmead Lake LWS.
- 3.3. On 2 September 2008, planning permission was granted on appeal for the extraction of sand and gravel and restoration to agricultural land using inert fill. The permission also comprised the creation of a site access road onto Horton Road, the formation of settlement ponds, the erection of raised bunds and the ancillary supporting facilities including site offices. The works commenced in 2010 and the period of extraction and infilling is 15 years from the commencement of development in total (i.e., the period for extraction and infilling was originally 13 years from the commencement of development of the original planning permission. A further 2 years of the extension was permitted under the planning permission 17/03850/VAR).

4. KEY CONSTRAINTS

- Metropolitan Green Belt
- Colne Valley Regional Park
- Source Protection Zone

5. THE PROPOSAL

- 5.1. This application is seeking to continue to use approximately 12 hectares of land (the application site) of Horton Brook Quarry and the ancillary waste processing facility and other supporting infrastructure including a weighbridge, site offices, welfare facilities and machinery store and workshop for a permanent inert waste recycling use. The proposal also comprises the retention of the raised bunds, existing planted trees and associated landscaping and the existing access; and the erection of a new southern bund and associated landscaping.
- 5.2. The proposal also includes the erection of a southern bund and associated landscaping. There is no change in the number of HGV movements and the annual amount of waste handling at the site.

6. RELEVANT PLANNING HISTORY

Ref.	Description of Development	Decision and Date
06/00588/FULL	Extraction of sand and gravel and restoration to agricultural land using imported inert waste, creation of a site access road onto Horton Road, erection of a gravel processing plant, site offices and facilities and the formation of settlement ponds	Withdrawn – 20.06.2006
07/00590/FULL	Extraction of sand and gravel and restoration to agricultural land using imported inert fill,	Refused – 07.11.2007;

	creation of a site access road onto Horton Road, erection of a gravel processing plant, site offices and facilities, and formation of settlement ponds	Allowed on appeal -
09/01696/VAR	Variation of S106 Agreement completed in connection with the permission for extraction of sand and gravel so the developer provides a financial contribution to the Council to pay for improvements to Bridleway 4 rather than the developer undertaking the improvements itself	Permitted – 18.05.2011
09/02618/VAR	Variation of S106 agreement completed in connection with the permission for extraction of sand and gravel so that the Horse Margin to be constructed along the western boundary (Horton Road) is constructed of hoggin rather than grass seeded	Permitted – 18.05.2011
12/00917/CONDIT	Details required by Condition 5 (archaeological work) of appeal decision APP/T0355/A/08/2065394 for Phases 4, 5 and 6 for extraction of sand and gravel and restoration to agricultural land using imported inert fill, creation of a site access road onto Horton Road, erection of a gravel processing plant, site offices and facilities, and formation of settlement ponds.	Approve discharge of condition – 05.04.2012
16/00444/CONDIT	Details required by Condition 5 (archaeological work) Phase 10 of planning permission 07/00590 (allowed on appeal) for extraction of sand and gravel and restoration to agricultural land using imported inert fill, creation of a site access road onto Horton Road, erection of a gravel processing plant, site offices and facilities, and formation of settlement ponds.	Approve discharge of condition – 15.04.2016
16/01060/CONDIT	Details required by Condition 5 (archaeological work) Phases 7 - 9 and part Phase 10 of planning permission 07/00590 (allowed on appeal) for extraction of sand and gravel and restoration to agricultural land using imported inert fill, creation of a site access road onto Horton Road, erection of a gravel processing plant, site offices and facilities, and formation of settlement ponds.	Approve discharge of condition – 15.04.2016
17/03850/VAR	Variation of condition 40 (under Section 73) to allow for continued extraction, infilling and restoration of site for the extraction of sand and gravel and restoration to agricultural land using imported inert fill, creation of a site access road onto Horton Road, erection of a gravel processing plant, site offices and facilities, and formation of settlement ponds approved under (07/00590) (allowed on appeal).	Permitted – 27.12.2018

21/01923/EIASCR	Screening Opinion from the Council under Regulation 6 (1) of the Environmental Impact Assessment Regulations 2017 ("the EIA Regulations"), to confirm whether or not there is a requirement for an Environmental Impact Assessment ("EIA") in respect of the proposed use of land at Horton Quarry for a permanent waste and recycling facility processing only inert wastes.	Environmental Impact Assessment is not required.
22/01475/VAR	Variation (under Section 73) of conditions 12 (scheme of restoration and landscaping), 39 (mineral extraction and infilling) and 40 (linked to condition 13) of planning permission 17/03850/VAR for the variation of condition 40 (under Section 73) to allow for continued extraction, infilling and restoration of site for the extraction of sand and gravel and restoration to agricultural land using imported inert fill, creation of a site access road onto Horton Road, erection of a gravel processing plant, site offices and facilities, and formation of settlement ponds approved under (07/00590) (allowed on appeal).	Pending decision by the time of writing this report.

7. DEVELOPMENT PLAN

7.1. The main relevant policies are:

Adopted Borough Local Plan 2013-2033

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Green and Blue Infrastructure	QP2
Character and Design of New Development	QP3
Development in Rural Areas and the Green Belt	QP5
Historic Environment	HE1
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Environmental Protection	EP1
Air Pollution	EP2
Artificial Light Pollution	EP3
Noise	EP4

Infrastructure and Developer Contributions	IF1
Sustainable Transport	IF2
Rights of Way and Access to the Countryside	IF5

Adopted Central and Eastern Berkshire Joint Minerals and Waste Plan 2021-2036

Issue	Policy
Sustainable Development	DM1
Climate Change – Mitigation and Adaptation	DM2
Protection of Habitats and Species	DM3
Protection of the Countryside	DM5
Green Belt	DM6
Conserving the Historic Environment	DM7
Restoration of Minerals and Waste Developments	DM8
Protecting Health, Safety and Amenity	DM9
Flood Risk	DM10
Water Resources	DM11
Sustainable Transport Movements	DM12
High-Quality Design of Minerals and Waste Development	DM13
Site History	DM15
Supply of recycled and secondary aggregates	M5
Sustainable waste development strategy	W1
Safeguarding waste management facilities	W2
Waste capacity requirements	W3
Locations and sites for waste management	W4

Adopted Horton and Wraybury Neighbourhood Plan 2018-2033

Issue	Policy
The presumption in favour of sustainable development	NP/SUSTDEV01
Heritage Assets	NP/BE2
Landscape	NP/OE1
Ecology	NP/OE2
Public Rights of Way	NP/OE3

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

Section 2 – Achieving sustainable development
Section 4- Decision-making
Section 6 – Building a strong, competitive economy
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
Section 17 – Facilitating the sustainable use of minerals

National Planning Policy for Waste (October 2014)

- 8.1. The document can be found at: <https://www.gov.uk/government/publications/national-planning-policy-for-waste>.

Supplementary Planning Documents

- Borough Wide Design Guide
- Planning Obligation and Developer Contributions SPD
- Sustainable Design and Construction SPD

Other Strategies or Publications

Other Strategies or publications material for the proposal are:

- DEFRA Waste Management Plan for England 2021
- RBWM Townscape Assessment
- RBWM Landscape Assessment
- RBWM Parking Strategy
- Interim Sustainability Position Statement
- Corporate Strategy
- Environment and Climate Strategy

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 9.1. 0 occupiers were notified directly of the application and 0 letters were received in total.
- 9.2. The planning officer posted a notice advertising the application at the site on 08.07.2022 and the application was advertised in the Local Press on 30.06.2022

Statutory Consultees

Consultees	Comments	Where in the report this is considered
RBWM Lead Local Flood Authority	No objection.	Section xii of this Report
Environment Agency	Originally raised objection related to the risks of pollution to	Section xi of this Report

	controlled water but removed the objection subject to further information provided.	
Natural England	No objection and confirms that the Likely Significant Effect on the Special Protection Area (SPA) and its designated features can be ruled out in this application.	Section x of this Report

Consultees

Consultees	Comments	Where in the report this is considered
RBWM Conservation	No objection.	Section vii of this Report
RBWM Highways	No highways concerns are raised.	Section viii of this Report
RBWM Rights of Way	Raised objection as the proposed development would have a continued detrimental impact on Horton Bridleway 4.	Section ix of this Report
RBWM Ecology	No objection to this application on ecology grounds.	Section x of this Report
RBWM Environmental Protection	No objection subject to a condition related to the submission of a dust management plan, noise level, plant, equipment and machinery maintenance.	Section xi of this Report
Historic England	No comments to make	Noted.
Slough Borough Council	No comments were received by the time of writing this Report.	Noted.
National Grid	No comments were received by the time of writing this Report.	Noted.

Others (e.g. Parish and Amenity Groups)

Groups	Comments	Where in the report this is considered
Horton Parish Council	<p>Objection with the following reasons:</p> <ul style="list-style-type: none"> • Concerns over noise pollution • Concerns over the increasing traffic • Concerns over the proposed development would have an impact to restore the site to rural status • Concerns over the proposed development would have an impact on the quality of drinking water due to its proximity to Queen Mother Reservoir • Concerns over the proposed development would conflict 	Sections 9 and 10 of this report.

	<p>with the extant temporary permission for gravel extraction.</p> <ul style="list-style-type: none"> Concerns over the proposed development are not in line with the Colne Valley policies and the East Berkshire Mineral Plan has not yet been formally approved. The neighbourhood plan must be taken into account for any planning applications. 	
Colne Valley Park Trust	<p>Objection with the following reasons:</p> <ul style="list-style-type: none"> The proposed development does not provide sufficient justification to demonstrate the very special circumstances (VSC). The proposed development would be prejudicial to the outcome of the emerging Central and Eastern Berkshire Joint Minerals & Waste Plan. The proposed development would run counter to the extant temporary permission for the ongoing sand and gravel extraction, which requires the site to be restored to agriculture. The proposed development would introduce an urban use and activity permanently, including HGV movements, the erection of raised bunds, and the industrial type of access. Concerns over the proposed development would have an adverse impact on the agricultural character of the wider area. 	Sections 9 and 10 of this report.

Officers' Clarification

- 9.3. Horton Parish Council's objection sets out that there is a concern over the proposed development not being in line with the Colne Valley policies. Both the Central and Eastern Berkshire Joint Minerals & Waste Plan and the Borough Local Plan do **not** have a specific planning policy related to Colne Valley. Notwithstanding, Appendix A of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that green belt compensation required by virtue of the development of the site must take into consideration the Colne and Crane Valleys Green Infrastructure Strategy (2019) and

its key principles. The Strategy is considered one of the material considerations and it is listed in Section 8 of this report.

- 9.4. Both Horton Parish Council's and Colne Valley Park Trust's objections set out that the proposed development would be prejudicial to the outcome of the emerging Central and Eastern Berkshire Joint Minerals & Waste Plan. The Central and Eastern Berkshire Joint Minerals & Waste Plan was adopted by the Full Council on 22 November 2022 and is now part of the Development Plan when assessing planning applications.

10. EXPLANATION OF RECOMMENDATION

- 10.1. The key issues for consideration are:

- i) Environmental Impact Assessment
- ii) Principle of Development
- iii) Green Belt
- iv) Climate Change and Sustainability
- v) Landscape and Character
- vi) Impact on Neighbouring Amenity
- vii) Heritage and Conservation
- viii) Highways
- ix) Rights of Way and Access to the Countryside
- x) Ecology and Biodiversity
- xi) Environmental Health
- xii) Flood Risk and Water Resources
- xiii) Site History
- xiv) Very Special Circumstances
- xv) Other Matters

i) Environmental Impact Assessment

- 10.2. An application for a screening opinion from the Council under Regulation 6 (1) of the Environmental Impact Assessment Regulations 2017 ("the EIA Regulations"), to confirm whether or not there is a requirement for an Environmental Impact Assessment ("EIA") in respect of the proposed use of land at Horton Quarry for a permanent waste and recycling facility processing of inert waste was submitted to the Local Planning Authority. It was concluded that an Environmental Impact Assessment is not required in this case.

ii) Principle of Development

Need for the inert recycling facility

- 10.3. Paragraph 7.50 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that recycling is a preferable form of waste management as it is higher up the waste hierarchy than recovery or landfill. Policy W3 also sets out that there is still a need for additional waste infrastructure capacity to provide a minimum of 575,000 tonnes per annum by 2036.
- 10.4. The proposed development is to continue to use the existing waste processing plant and its ancillary supporting facilities at the site, including a weighbridge, site offices, welfare facilities and machinery store and workshop with a maximum handling capacity of 200,000 tonnes per annum. It is considered that the proposed development would make a significant contribution to the shortfall in inert recycling

capacity (i.e., 34.78%) within the Plan area. The proposed development is also in line with both national and local planning policies regarding waste hierarchy.

Location of the inert recycling facility

- 10.5. Policy W4 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that the delivery of waste management infrastructure will be supported within allocated sites, provided the proposals address the relevant development considerations outlined in Appendix A (those considerations will be addressed in the following sections of this report). Paragraph 7.104 sets out that the allocation of sites does not convey that planning permission will be granted, but indicates the locations that could provide sustainable development subject to the development considerations outlined in Appendix A having been fully addressed. Paragraph 7.106 then recognises that the allocated sites are all located within the Green Belt but sets out the reasons for allocations. Paragraph 7.114 continues to set out that recycling facilities, particularly inert waste that produces recycled or secondary aggregate, are sometimes located in historic landfills or current/former quarries. In most cases, it is expected that former quarries will be restored but there may be exceptions where the benefits from continued development at some host locations are considered to be more sustainable than relocating the development elsewhere.
- 10.6. The application site is within one of the allocated sites, Horton Brook Quarry, Horton (WA2). The Central and Eastern Berkshire Joint Minerals & Waste Plan sets out the reasons for allocations. In this case, the proposed development seeks to continue using the existing waste processing plant and its ancillary supporting facilities. While the remaining part of the Horton Brook Quarry will continue to be restored accordingly to agriculture, it is considered that the sustainable location of the application site is a benefit of reusing the existing facilities instead of relocating the development elsewhere.

Summary

- 10.7. The proposed development is to continue to use the existing waste processing plant and its ancillary supporting facilities at the site with a maximum handling capacity of 200,000 tonnes per annum, which would make a significant contribution to the shortfall in inert recycling capacity identified in the Central and Eastern Berkshire Joint Minerals & Waste Plan. The proposed development would allow the materials to be recycled which is a preferred form of waste management in the waste hierarchy. Furthermore, the Central and Eastern Berkshire Joint Minerals & Waste Plan also sets out the justification for this site allocation and it is considered that it is more sustainable to continue to use the existing facilities than relocate the development elsewhere in this case.
- 10.8. Therefore, the principle of development for the use of the land for an inert waste recycling facility is established in this case. The principle of the site's Green Belt location is discussed in the following paragraphs.

iii) Green Belt

- 10.9. The application site lies within the designated Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of the 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.

- 10.10. Paragraph 149 of the National Planning Policy Framework (NPPF) sets out that the construction of new buildings is inappropriate in the Green Belt unless it falls into one of the specified exceptions. Paragraph 150 continues to set out that certain 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, including mineral extraction and the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 10.11. Waste operations are not considered to be one of the specified exceptions in Paragraph 149. Furthermore, whilst the proposed development is seeking to continue to use the existing ancillary inert waste recycling facility for sand and gravel extraction, the existing buildings are not permanent as they are permitted for a certain period of time. As such, it is also not considered that the proposed development falls into any of the exceptions in Paragraph 150. Therefore, the proposal is considered to be inappropriate development.
- 10.12. Though the proposed development is to continue to use the existing ancillary waste processing facility of sand and gravel extraction, it is seeking to introduce a permanent waste operation at the site. The proposed waste development would harm the openness of the Green Belt and have a greater visual impact when compared with the site which will be restored to agriculture with no buildings. It could only be approved if there are 'Very Special Circumstances' (VSC) that outweigh the harm to the Green Belt caused by inappropriateness and any other harm. The case for Very Special Circumstances will be discussed further below.

iv) Climate Change and Sustainability

- 10.13. The Climate Change Act 2008 (CCA2008) imposes a duty to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline. Paragraph 152 of the NPPF states that the planning system should support the transition to a low-carbon future in a changing climate by contributing to a radical reduction in greenhouse gas emissions, minimising vulnerability and improving resistance, and supporting renewable and low-carbon energy and associated infrastructure. The Royal Borough of Windsor and Maidenhead declared a climate emergency in June 2019, and the Council intends to implement national policy to ensure net-zero carbon emissions can be achieved by no later than 2050.
- 10.14. In December 2020, the Environment and Climate Strategy was adopted to set out how the Borough will address the climate emergency. These are material considerations in determining this application. The strategy sets a trajectory which seeks a 50% reduction in emissions by 2025.
- 10.15. While a Sustainability Supplementary Planning Document will be produced, the changes to national and local climate policy are material considerations that should be considered in the handling of planning applications and the achievement of the trajectory in the Environment and Climate Strategy will require a swift response. The Council has adopted an Interim Sustainability Position Statement (ISPS) to clarify the Council's approach to these matters. According to the ISPS, it sets out that all development except householder residential extensions and non-residential development with a floor space of below 100 square metres should be net-zero carbon.

- 10.16. Policy SP2 of the Borough Local Plan 2013-2033 requires all development to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. Policy DM2 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that waste development proposals will be supported by a Climate Change Assessment. The Assessment should include how the development proposal encourages the wider sustainable use of resources and how the development itself makes efficient use of resources.
- 10.17. In this case, the proposed development is seeking to continue to use the onsite ancillary inert waste recycling facility for waste operation on a permanent basis and is seeking to retain all of the raised bunds for screening. The only new development in this application is the erection of a further raised bund to the site's southern boundary. The very nature of the proposal therefore contributes towards tackling Climate Changes as recycling inert waste is a preferable form of waste management as it is higher up the waste hierarchy than recovery or landfill. It is considered that the proposed development would help encourage the sustainable use of resources and has a positive contribution towards the aims of Policy DM2. In addition, sustainable drainage measures are adopted in the proposed development to minimise the impact of surface water runoff from the proposed development. The new screening bund will be designed with native plants. As such, it is also considered that the proposed development will also have a positive contribution towards the aim of Policy SP2.
- 10.18. Therefore, the proposed development complies with aims and objectives of Policy SP2 of the Borough Local Plan 2013-2033 and Policy DM2 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.

v) Landscape and Character

- 10.19. Appendix A of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out the landscape and townscape considerations of the allocated site WA2 as follows:
- Proposals should ensure adequate space is set aside for the establishment of a strong new landscape structure for this group of sites (Poyle Quarry and extensions, Berkyn Manor and Horton Brook) including large-scale native species tree belts.
 - Integrate new structures with effective screen planting, including along boundaries.
 - Restoration proposals should have reference to the Colne Valley Gravel Pits and Reservoirs BOA.
 - Green Belt compensation due to the development of the site must take into consideration the Colne and Crane Valleys Green Infrastructure Strategy (2019) and its key principles.
 - Particular consideration should be given to whether the development is not inappropriate in the Green Belt, preserves its openness and does not conflict to include land within it.
- 10.20. The Colne Valley Park Trust has raised objection to the proposal on grounds that the proposed development would introduce an urban use and activity permanently which would have an adverse impact on the agricultural character of the wider area.
- 10.21. The application site is only a small part of the wider quarry site and is well set back from the northern boundary of the wider quarry site. Furthermore, the wider site will be restored in accordance with the approved restoration scheme. The proposed development includes the retention of the existing raised screening bunds and the

erection of a new raised bund to the south of the site. While the proposed development would introduce a permanent waste operation to the site and would have some impact on the agricultural character of the area, it is considered that the screening bunds including the proposed new bund to the south of the site will help improve the screening of the operational site and minimise the impact on the agricultural character of the area.

Green Belt Compensation

- 10.22. Paragraph 145 of the NPPF sets out that local planning authorities should seek opportunities to enhance the beneficial use of the Green Belt, including looking for opportunities to provide access, retain and enhance landscapes, visual amenities and biodiversity, etc. Though there is no definition from both national and local planning policies relating to green belt compensation, moreover it is set out under the landscape and townscape section of Horton Brook Quarry WA2 of Appendix A of the Central and Eastern Berkshire Joint Minerals & Waste Plan, which requires the development of the site must take into consideration the Colne and Crane Valleys Green Infrastructure Strategy 2019 and its key principles.
- 10.23. The Colne and Crane Valleys Green Infrastructure Strategy 2019 identifies that the application site is within the SC207 project area, which is Colnebrook, Poyle, Horton landscape enhancement project. The project is to restore and improve landscape quality and condition around Berkyn Manor Farm, including revealing its historic character. The project also includes landscape enhancement and the links to connect the Horton village, Colnebrook and Poyle areas. The project is to improve the existing poor-quality landscape in the area.
- 10.24. The northern boundary of the Horton Brook Quarry site is also part of the SC102 project, which is the proposed pedestrian and cycle access link between Colnebrook and Staines Moor. The project is to create a new access link for pedestrians and cyclists between Colnebrook to Arthur Jacob Nature Reserve to link in with existing footpaths and the Colne Valley Trail.
- 10.25. A meeting was held between the Colne Valley Regional Park Trust and the applicant. A financial contribution of £6,000 per annum for a 10-year period is agreed towards these two projects. Given that the proposed development is to continue to use the existing recycling facility for the proposed waste operation, it is considered that the agreed contribution amount is reasonable and proportionate to the proposed waste development. The contribution will be secured by the Section 106 planning obligation.

Summary

- 10.26. The proposed development is seeking to retain the existing raised screening bunds and erect a new bund to the south of the site for screening purposes. While the proposed development would inevitably have some impact on the agricultural character of the area, the bunds will help improve the screening of the operational site and minimise the impact on the agricultural character of the area. Furthermore, a financial contribution is agreed upon to fund the identified projects under the Colne and Crane Valleys Green Infrastructure Strategy 2019 for landscape enhancement and the creation of a better linkage of the area. The financial contribution will help support the projects which will continue to improve and enhance the landscape and the links of the wider area. As such, it is considered that the proposed mitigation and compensation would limit the impact on the landscape character of the area as a result of the proposal. The overall harm to landscape character is therefore only attributed **limited weight**.

vi) Impact on Neighbouring Amenity

- 10.27. Policy QP3 of the Borough Local Plan sets out that new development should 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.
- 10.28. The application site sets well back from the existing residential properties to the north of the site. With the retention of the raised bunds, they would help screen the operational area of the site and would also minimise the impacts on the properties. It is considered that the proposed development is seeking to continue to operate the existing waste facility and there is no physical change to the layout of the site (i.e., except for the erection of a new screening bund to the south of the site), the amount of waste handling and the number of HGV movements. While the proposed development would have some limited impacts on the neighbouring properties, those impacts would be mitigated and controlled by planning conditions. The Environmental Protection Officer has not raised any objection to the proposal. Therefore, it is not considered that the development would have an adverse impact on the amenities in this regard.

vii) Heritage and Conservation

- 10.29. Paragraph 199 of the NPPF sets out that great weight should be given to an asset's conservation when considering the impact of a proposed development on the significance of a designated heritage asset. Paragraph 200 continues to set out that any harm to, or loss of, the significance of a designated heritage asset from development within its setting), should require clear and convincing justification.
- 10.30. The proposed development is seeking to continue to use the waste facility including the retention of the existing screening bund. The impact on the setting of the listed buildings has been formally assessed during the determination of the planning application for the sand and gravel extraction.
- 10.31. The application site is not within any designated conservation area. The Grade II-listed Mildridge Farmhouse is located to the west of Horton Road and the Grade II-listed Horton Lodge is to the south of the application site. The Council's Conservation Officer has been consulted and has commented that the proposed development would result in little to no harm to the nearby heritage assets, including the setting of the Grade II-listed Mildridge Farmhouse.

viii) Highways

- 10.32. Policy DM12 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that waste development will be permitted where good connectivity for the movement of waste can be demonstrated. A transport assessment will be required to support the application. The application should consider the following matters:

- The acceptability of routing to the site and the impacts on the surrounding road network regarding capacity and demand, with consideration of committed developments and cumulative impact
- Road safety

- Sustainability accessibility
- Appropriate hours of working
- Mitigation as appropriate

10.33. Appendix A of the JMWP sets out that any new applications at the allocated site WA2 should be accompanied by a transport assessment or statement and an HGV routing agreement.

HGV routing and movements

10.34. This application is accompanied by a transport assessment, which is prepared by DM Mason Engineering Consultants Ltd, on behalf of the applicant. The assessment sets out that the proposed development will continue to use the routing permitted under the extant temporary permission for sand and gravel extraction, which allows for HGVs to only access to the site from the north via Horton Road and London Road to A4/M4. No HGV traffic is allowed to pass through Colnbrook or Horton Villages. The applicant is willing to enter into a routing agreement for the current proposal.

10.35. The submitted transport assessment also sets out that the proposed development is anticipated to generate an average of 126 HGV movements per day, but the figure may vary as it will have peaks and troughs of material handling. It is suggested that the daily limit on HGV movements should be the same as the permitted HGV movements under the extant temporary permission, which allows up to 200 (100 in and 100 out) HGV movements from Mondays to Fridays and up to 120 (60 in and 60 out) HGV movements on Saturdays.

10.36. It is considered that the proposed development would continue to use the permitted routing under the extant permission. According to the routing agreement under the extant temporary permission, apart from the HGV routing, it also requires the applicant to provide the following matters:

- Specific routing instruction to hauliers before their drivers visit the site for the first time;
- Random checks to be carried out by the applicant to monitor compliance with the routing agreement; and
- All complaints to be investigated and outcomes notified to the local planning authorities

10.37. It is considered that the permitted routing can prevent the HGV movements to pass through the Colnbrook area and Horton Villages. The routing agreement and its associated requirement including the driving instruction, random check and complaint procedure should be secured by an S106 planning obligation. The Council's Highways Authority has been consulted in this application and has raised no objection to the proposed development.

10.38. Horton Parish Council has raised objections to the proposed development due to the increasing traffic of the proposed development. It is considered that the proposed development would not generate additional HGV movements than the permitted HGV movements under the extant temporary permission for sand and gravel extraction. There is an approximate 40% buffer (for the weekdays' figure) and 53% (for the Saturdays' figure) between the average figure and the permitted figure.

10.39. Notwithstanding, it is considered that the 126 HGV movement is only an average figure, and it may vary due to an operational need. The buffer would allow some flexibility to have additional HGV movements, but the overall HGV movements will still be within a reasonable and acceptable limit. Furthermore, the extant temporary

permission allows the sand and gravel extraction activities to be continued until 2025. Having a different set of HGV movements limit in this application would fail the condition test sets out in Paragraph 55 of the NPPF as it would not be enforceable. Given that Council's Highways Authority has raised no highway objection to the proposed development, the proposed 200 HGV movements daily limit for weekdays and 120 HGV movements daily limit for Saturdays would be acceptable in this case and such limit would be secured by planning conditions.

- 10.40. The extant temporary permission (17/03850/VAR) requires the retention of the signs at the site exit and at the site office advising drivers of the permitted vehicle routes from the site to the A4. It is considered that those signs should be retained in this regard and should be secured by a planning condition.

Parking

- 10.41. The Council's Parking Strategy does not have a specific parking standard for waste development. The submitted transport assessment sets out that the proposed development will employ up to 10 operatives and 1 manager to visit the site daily. It will generate a maximum of 22 car movements per day. Based on the site visit and the site layout, it is considered that the application site has sufficient parking area to accommodate HGV parking, staff parking and visitor parking.
- 10.42. The Council's Interim Sustainability Position Statement sets out that at least 20% of parking spaces should be provided with active electric vehicle charging facilities and 80% of parking spaces should be provided with passive provision. Though there is no information related to the number of parking spaces, it is considered that a minimum of 11 parking spaces should be provided to accommodate the staff parking. It means that at least 3 active electric vehicle charging facilities and 9 passive outlets shall be provided. Such details can be secured by a planning condition.
- 10.43. In terms of cycle parking, there is also no specific parking standard under the Council's Parking Strategy. However, it sets out that 1 cycle parking space per 10 staff should be provided for commercial development including industrial development. Given that the proposed development will have 11 staff, at least 2 cycle parking spaces should be provided. Such details can also be secured by a planning condition.

Summary

- 10.44. There is no specific parking standard for waste development. However, it is considered that the parking arrangement is acceptable in this regard. Further details related to cycle parking, and electric charging vehicle facilities are required, it is considered that such details can be secured by planning conditions.
- 10.45. Paragraph 111 of the NPPF sets out that development should only be prevented or refused on highway grounds. Given the proposed development is not seeking to alter the permitted number of HGV movements and the routing is subject to the Section 106 planning obligation, it is unlikely that the proposed development would have an adverse impact on highway safety or the severe residual cumulative impacts on the road network.

ix) Rights of Way and Access to the Countryside

- 10.46. Policy IF25 of the Borough Local Plan 2013-2033 sets out that new developments will be supported provided that they protect and safeguard the existing rights of way

network and do not adversely affect the recreational and amenity value of the existing rights of way network.

- 10.47. The Council's Public Rights of Way Officer has been consulted on this application and has raised concerns over the proposed development. In their view, the proposed development would have a detrimental impact on Horton Bridleway 4 and the path will be at the high dust zone of the proposed development.
- 10.48. The proposed development is not seeking to alter the existing rights of way network but it is considered that Horton Bridleway 4 runs immediately along the eastern boundary of the application site. Though the visual impact has already been formally assessed when the temporary permission was granted for the sand and gravel extraction, the proposed development will now have a permanent visual impact on the Bridleway.
- 10.49. The site is well-screened by the existing mature planting and hedgerow along the boundary of the wider Horton Brook Quarry site and an existing screening bund which will be retained in this application for screening. The operation area of the site is at the centre of the application site, and it is well-separated by an existing settlement pond to the eastern boundary of the site. The proposed development comprises the erection of a raised bund to the southern part of the site, which would help further screen the operational area of the facility.
- 10.50. Furthermore, the applicant is willing to make a financial contribution to the Colne Valley Regional Park Trust for two key projects in the area, including a project for a new pedestrian and cycle access link between Colnebrook and Staines Moor. It is considered that the contribution would help financially support the project to promote the accessibility and linkages of the existing green corridors including footpaths and cycleways.

Summary

- 10.51. The proposed development will introduce a permanent waste operation to the site which will have a visual impact on the Bridleway. Notwithstanding, the site is well-screed by the bunds and the proposed development is seeking to erect a new bund to improve the screening from the southern part of the site. The operational area of the site is also well-separated from the bridleway by an existing settlement pond. A financial contribution is also agreed upon to support the identified project to promote the accessibility and linkages of the existing green corridors including footpaths and cycleways. It is therefore considered that the harm to the rights of way is limited in this case.

x) Ecology and Biodiversity

- 10.52. Policy DM3 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that development that is likely to result in a significant effect, either alone or in combination, on internationally designated sites including Special Protection Areas, Special Areas of Conservation, Ramsar sites; sites identified, or required, as compensatory measures for adverse effects on such sites; and European Protected Species, will need to satisfy the requirements of the Habitats Regulations.
- 10.53. Policy NR2 of the Borough Local Plan 2013-2033 sets out that development proposals shall be accompanied by ecological reports in accordance with BS:42020 to aid the assessment of the proposal. Neighbourhood Plan Policy NP/OE2 of the Horton and Wraybury Neighbourhood Plan 2018-2033 sets out that development proposals that

conserve and enhance biodiversity and comply with other relevant policies will be supported.

- 10.54. The application site is approximately 0.1 kilometres from the Southwest London Waterbodies Special Protection Area (SPA) and the Wraysbury & Hythe End Gravel Pits Site of Special Scientific Interest (SSSI). The site is approximately 0.5 kilometres from the Wraysbury No.1 Gravel Pit SSSI. The site is also near other non-statutory designated sites, including Wraysbury II Gravel Pits Local Wildlife Site (LWS), Wraysbury I Gravel Pit LWS, Colne Brook LWS and Horton and Kingsmead Lake LWS.
- 10.55. The Council's Ecology Officer has been consulted in this application and originally requested an appropriate assessment under the Habitat Regulations is required. Natural England has been further consulted in this regard and considers that the proposed development is unlikely to have a likely significant impact on the SPA and therefore Habitat Regulation Assessment (HRA) is not required in this instance.

Protected Species

- 10.56. This application is accompanied by the preliminary ecological appraisal, which is prepared by Golder Associates (UK) Ltd Member of WSP, on behalf of the applicant. The conclusion section of the appraisal sets out that the application site does not afford optimal or sub-optimal biodiversity opportunities.
- 10.57. The Council's Ecology Officer has been consulted in this application and considered that the proposed development is unlikely to affect protected species and no further survey or specific mitigation with regards to protected species is not required.

Biodiversity net gain

- 10.58. Policy NR2 of the Borough Local Plan 2013-2033 sets out that development proposals will demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric. Notwithstanding, Policy DM2 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that waste development will contribute to the conservation, restoration and enhancement of biodiversity through the securing of at least a 10% measurable net gain in biodiversity value.
- 10.59. This application is accompanied by a preliminary ecological appraisal, which is prepared by Golder Associates (UK) Ltd Member of WSP, on behalf of the applicant. The appraisal sets out that committed additional conservation actions set out in section 5 of the appraisal including the erection of bat boxes and bird boxes would result in a net positive impact on biodiversity.
- 10.60. The Ecology Officer originally raised a concern that the proposed development does not fully demonstrate a net gain in biodiversity. It is considered that the baseline of the submitted ecological appraisal is based on the existing temporary sand and gravel extraction use of the site. However, the extant temporary permission (17/03850/VAR) requires all of the temporary structures to be removed and the site to be restored to agriculture when the permission expires. Therefore, the baseline for assessing the net gain in biodiversity should be based on the original status of the site instead of the current status. Although several enhancement measures suggested in the submitted ecological appraisal are in place, those measures are to mitigate and compensate for the loss in biodiversity and are unlikely to provide an increase in biodiversity at the site.

- 10.61. The applicant then further provided a biodiversity net gain assessment, which is prepared by WSP, on behalf of the applicant. The assessment concludes that the proposed development is likely to result in an increase of 17.01% net gain in biodiversity, which exceeds the requirements both set out in the Central and Eastern Berkshire Joint Minerals & Waste Plan and the Borough Local Plan 2013-2033.
- 10.62. Council Ecology Officer has removed the objection and considers the proposed development can demonstrate a net gain in diversity as required by local planning policies. Additionally, a number of enhancement measures are recommended including the installation of bat boxes and bird boxes. It is considered that details of such enhancement measures should be provided to support this application. Such details can be secured by a planning condition.

xi) Environmental Health

- 10.63. Policy DM9 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that planning permission will be granted for minerals and waste development only where it can be demonstrated that it will not generate unacceptable adverse impacts on the health, safety and amenity of local communities and the environment.
- 10.64. Policy EP1 of the Borough Local Plan 2013-2033 sets out that new development will only be supported where it would not have an unacceptable effect on environmental quality both during the construction phase and when completed. Details of remedial or preventative measures and any supporting environmental assessments will be required and will be secured by planning conditions to ensure that the development will be acceptable. Policy DM9 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that waste development should not cause unacceptable noise, dust, lighting, vibration or odour.

Air Quality

- 10.65. Policy EP2 of the Borough Local Plan 2013-2033 sets out that development proposals which may increase significant increases in air pollution must contain appropriate measures thus reducing the likelihood of health problems for residents.
- 10.66. This application is accompanied by the air quality and dust assessment, which is prepared by Golder Associates (UK) Ltd Member of WSP, on behalf of the applicant. The assessment identifies that particulates would be the main sources of air pollution of the inert aggregate recycling and processing activities, as well as traffic emissions. Section 1.7 of the assessment identifies several mitigation measures at the application site, including:
- The timing of operations will be optimised
 - Overburden mounds will be grass-seeded and planted to eliminate wind-blown dust
 - The existing raised bunds will be retained
 - The existing open-grassed buffer to the north of the site will be retained to act as a buffer between the residential area and the application site
 - A new bund and planting strip will be erected at the southern boundary of the site
 - Plant and the existing compacted gravel hardstanding will be regularly maintained
 - Stockpiles will be sprayed prior to removal to minimise dust generation

- Onsite speed restrictions will be maintained
- Wheels of all vehicles exiting the site will be washed

10.67. The Environmental Protection Officer does not considered that the proposed development would have an adverse air quality impact on the neighbouring properties subject to the implementation of the mitigation measures identified in the submitted air quality and dust assessment. Further details detailing the specific mitigation measures for the control of dust emissions shall be provided to support this application. It is considered that such details can be secured by a planning condition.

Noise

10.68. Policy EP4 of the Borough Local Plan 2013-2033 sets out that development proposals should consider the noise and quality of life impact on recipients in existing nearby properties and also the intended new occupiers ensuring they will not be subject to unacceptable harm.

10.69. This application is accompanied by the noise impact assessment, which is prepared by Anderson Acoustic Ltd, on behalf of the applicant. The assessment summarises that there is no observed effect of the proposed development, subject to the existing screening will be maintained.

10.70. Horton Parish Council has raised objections over noise pollution from the proposed development. The Environmental Protection Officer has raised no objection to the proposed development subject to conditions.

10.71. It is considered that there is no change in the physical layout and the operation of the site, except for a new screening raised bund to be erected to the south of the site. The proposed development will still operate within the existing noise limit under the extant temporary permission (17/03850/VAR). Having a different set of noise limits in this application would fail the condition test sets out in Paragraph 55 of the NPPF as it would not be enforceable.

10.72. The proposed development comprises the construction of a new raised screening bund, which would result in a site-attributable noise level in excess of the noise limit of 55 dB. A separate planning condition is recommended to allow the noise level to exceed 55 dB during the construction period of the raised screaming bund but within a reasonable level at any noise-sensitive property within a certain time limit to minimise the impact on the amenities.

Contaminated Land and Water

10.73. Policy EP5 of the Borough Local Plan 2013-2033 sets out that development proposals will be supported where they can demonstrate that proposals will not cause unacceptable harm to the quality of groundwater, and do not have a detrimental effect on the quality of surface water.

10.74. Policy DM11 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that a hydrological risk assessment must be provided if the proposals are in a groundwater source protection zone. The risk assessment would be able to identify any unacceptable risks and provide appropriate measures to mitigate those risks

identified. Appendix A of the Central and Eastern Berkshire Joint Minerals & Waste Plan identifies the proximity of the site to the aquifers, in addition to Source Protection Zones.

- 10.75. Horton Parish Council has raised objections as it raises concerns over whether the proposed development would have an impact on the quality of drinking water due to its proximity to Queen Mother Reservoir.
- 10.76. The Environment Agency has been consulted on this application and originally raised an objection to the proposed development as it fails to demonstrate that the risks of pollution to controlled waters are properly managed. Further information has been provided by the applicant to the Agency as required including the environmental risk assessment, hydrogeological risk assessment, environmental settling and installation design statement and the environmental monitoring and management plan. The Environment Agency, therefore, has removed its objection to this planning application as such details will be determined under the environmental permitting stage.
- 10.77. Given that there is no technical concern from the Environment Agency and such matter will be determined under the permitting stage, it is not considered the proposed development would cause unacceptable harm to the water quality.

Summary

- 10.78. The proposed development would have some environmental impacts on the neighbouring amenities. Notwithstanding, such impacts would be mitigated, and those mitigation measures would be secured by planning conditions. Therefore, it is not considered that the proposed development would have an adverse impact on the environment and the amenities.

xii) Flood Risk and Water Resources

- 10.79. Policy NR1 of the Borough Local Plan 2013-2033 sets out that development will only be supported within designated Flood Zone 1 on sites of 1 hectare or more in size, 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. Development proposals should include an assessment of the impact of climate change using appropriate climate change allowances over the lifetime of the development so that future flood risk is taken into account. Policy DM10 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that waste developments should not result in an increased flood risk overall and the development is safe from flooding for its lifetime including an assessment of climate change impacts.
- 10.80. Appendix A of the JMWP sets out that a flood risk assessment and hydrological assessment will be required to demonstrate that the development will not increase off-site flood risk and will not impact the structural stability of the embankment of the Queen Mother Reservoir.

Flood Risk

- 10.81. This application is accompanied by a flood risk assessment, which is prepared by Golder Associates (UK) Ltd Member of WSP, on behalf of the applicant. The assessment summarises that the proposed development will not materially change the existing fluvial, groundwater and surface water flood risk of the site and the

surrounding area. The existing sediment lagoon will be contained and the current regular maintenance regime to periodically clean the lagoon will be continued.

- 10.82. The Lead Local Flood Authority (LLFA) has been consulted in this application. The LLFA considers that the additional screening bunds and landscaping will not significantly alter the existing flow routes. The existing drainage will be retained, and it is unlikely that the proposed development would increase the surface water flood risk.

Water Resources

- 10.83. This application is accompanied by a letter from WSP Golder, on behalf of the applicant. The letter confirms that the proposed development including the erection of the new raised screening bund would not change the structural stability of the site and it is unlikely that the proposed development would have an impact on the structural stability of the embankment of the Queen Mother Reservoir.
- 10.84. The proposed development is to continue to use the existing inert waste facility and its associated infrastructure, and the proposed raised screening bund would not be within the 100m restriction zone of the Queen Mother Reservoir and not change the structural stability of the site. It is not considered that the proposed development would have an adverse impact on the structural stability of the embankment of the Queen Mother Reservoir. It is also considered that such matters will be formally assessed in the permitting regime by the Environment Agency.

xiii) Site History

- 10.85. Policy DM15 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that an assessment of the environmental and amenity impacts will be made if there is a history of minerals and waste activities at the proposed site. Where issues have been raised about the environmental or amenity impacts of a site, particularly where there is evidence of any adverse environmental or amenity impacts, these issues will be taken into consideration in decision-making on any forthcoming planning applications submitted on that site.
- 10.86. This submitted planning statement sets out that no known complaints have been received by the Council to the operation over the last twelve years at the site. It is considered that the local residents have raised concerns over the unauthorised HGV movements in Horton village and there are concerns over the unauthorised minerals and waste activities in the Colnebrook area. However, there is no evidence showing that such unauthorised activities are from the operator of the Horton Brook Quarry, given that there are a number of other operational minerals and waste sites in the area.
- 10.87. Furthermore, a number of mitigation measures including routing agreement and hours of operation would help restrict and reduce the impacts of the proposed waste development on the neighbouring properties. Those measures would help minimise the impacts on the nearby amenities.

xiv) Very Special Circumstances

- 10.88. Paragraphs 147 and 148 of the NPPF set out that 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.

10.89. Policy DM6 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that waste management facilities, including aggregate recycling facilities, will be permitted where the proposal does not conflict with the preservation of the openness of the Green Belt and suitable mitigation can be provided to ensure that the proposal would not harm the purposes of including land within the Green Belt. Where a proposal would be considered inappropriate development, consideration will be given to whether it can be demonstrated that:

- there are no appropriate sites outside the Green Belt that could fulfil the same role; and
- the site is the most suitable location in relation to arisings and recycle markets.

Green Belt Harm

10.90. The proposed development is seeking to retain the existing waste facility and the screening bunds and to erect a new screening raised bund at the site, which is currently subject to temporary permission for sand and gravel extraction but will be restored to agriculture. Though the proposed development is to reuse the existing facilities and the only new structure will be the new screening raised bund to the south of the site, the proposed development will introduce a permanent waste operation at the site and have a greater visual impact when compared with the site which will be restored to agriculture with no buildings. Undoubtedly, the proposed development would constitute **substantial harm** to the openness and permanence of the Green Belt in this case, in addition to the harm by inappropriateness as described above.

Other Harms

Landscape

10.91. The proposed development would introduce a permanent waste operation to the site and would have some impact on the agricultural and landscape character of the area. It is considered that the proposed development includes the retention of all of the existing screening raised bunds and a new bund will be erected to the south of the site to help improve the screening of the operational site. **Limited weight** is afforded to the harm to landscape character in this case.

Rights of Way

10.92. Horton Bridleway 4 runs immediately along the eastern boundary of the application site. It is considered that the operation area of the site is at the centre of the application site, and it is well-separated by an existing pond to the eastern boundary of the site. The site is also screened by the existing mature planting and hedgerow along the boundary of the wider Horton Brook Quarry site. However, the proposed development would have a permanent visual impact on Bridleway. **Limited harm** is afforded to the harm to rights of way in this case.

Benefits

Need for waste management facility

- 10.93. Paragraph 7.106 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that the sites outlined in Policy W4 as allocated sites (including the application site) are entirely located within the Green Belt which have special protection with respect to development. However, these sites are allocated for waste management purposes for the following reasons, in accordance with the NPPW:
- a) Consideration has been given first to locating waste management facilities within Preferred Waste Areas outlined in Policy W4, which are not located within the Green Belt.
 - b) Where there is no capacity within the Preferred Waste Areas or the locational needs of the waste management facility prevent it from being accommodated within the Preferred Waste Areas, *the lack of available sites outside of the Green Belt will need to be taken into consideration as part of the exceptional circumstances.*
- 10.94. This application is within one of the allocated sites Horton Brook Quarry, Horton (WA2). It is considered that the site allocation process of the Central and Eastern Berkshire Joint Minerals & Waste Plan has considered sites within Preferred Waste Areas set out in Appendix C of the Plan. While none of the Preferred Waste Areas is within the administrative boundary of the Royal Borough, it is considered that the Plan has identified that there is no capacity within the Preferred Waste Areas, or the locational needs of the inert waste recycling facility prevent it from being accommodated within the Preferred Waste Area and there is also a lack of available sites outside of the Green Belt. As such, in this specific case, **substantial weight** should be attributed to the need for the waste management facility of the Borough and the wider plan area.

Sustainable Waste Management

- 10.95. The proposed development will have a maximum handling capacity of 200,000 tonnes of inert waste per annum, which would have a significant contribution to the shortfall in inert recycling capacity (i.e., 34.78%) out of 574,000 tonnes per annum. The proposed development is also in line with both national and local planning policies regarding waste hierarchy. In this case, **significant weight** is attributed to the benefit of sustainable waste management of the proposed development.

Biodiversity Enhancement

- 10.96. The proposed development would result in an increase of 17.01% net gain in biodiversity by the implementation of ecological enhancement measures, which exceeds the requirements both set out in the Central and Eastern Berkshire Joint Minerals & Waste Plan and the Borough Local Plan 2013-2033. **Moderate weight** is attributed to the benefit of the biodiversity enhancement of the proposed development.

Other Benefit

- 10.97. A financial contribution is agreed to contribute to two of the Colne and Crane Valleys Green Infrastructure Strategy's projects, including SC207 Colnebrook, Poyle, Horton landscape enhancement and SC102 proposed pedestrian and cycle access link between Colnebrook and Staines Moor. The contribution would help support these two projects to improve the landscape of the wider area and to improve the pedestrian and cycle access link of the area. **Limited weight** is attributed to this benefit.

Conclusion on Very Special Circumstances

- 10.98. The weight of the benefit of the need for the waste management facility is substantial in this case. Significant weight is afforded to the benefit of sustainable inert waste recycling and moderate weight to biodiversity enhancement. Furthermore, limited weight is attributed to the contribution to the landscape and access link improvement projects. As such, when considering these matters cumulatively, the weight to be applied to them would more than outweigh the substantial harm to the Green and other harm identified in this application including landscape and rights of way. Therefore, Very Special Circumstances exist in this case to justify the harm to the Green Belt as a result of the proposal.
- 10.99. A condition to remove the permitted development rights related to Class J hard surfaces for industrial and warehouse premises and Class L development at waste management facilities of Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is recommended in this application to ensure that there is development control in assessing any new developments within the application site.

xv) Other Matters

- 10.100. The utility section of Horton Brook Quarry WA2 of Appendix A of the Central and Eastern Berkshire Joint Minerals & Waste Plan requires the proposed development to ensure that there is a statutory safety clearance of National Grid Infrastructure. National Grid has been formally consulted in this application, but no comments were received by the time of writing this report.
- 10.101. The proposed development is to continue to operate the existing inert waste facility and its associated supporting infrastructure including the retention of the existing raised screening bunds. The only new development would be the erection of the screening bund to the south of the site. It is not considered that the proposed bund would have an impact on the existing national grid infrastructure. An informative is added to advise the applicant to contact the National Grid if there are any queries related to the infrastructure, including maintenance and safety aspects.

11. PLANNING BALANCE AND CONCLUSION

- 11.1. Where the application site is within the Green Belt, Very Special Circumstances have been found to exist which justify the approval of inappropriate development. As set out above the proposed development would result in a maximum recycling handling capacity of 200,000 tonnes per annum of inert waste which will have a significant contribution to the shortfall in inert recycling capacity identified in the Central and Eastern Berkshire Joint Minerals & Waste Plan.
- 11.2. The proposed development is considered acceptable in terms of highways, ecology and biodiversity, flood risk and drainage, environmental health, and sustainability (subject to planning conditions). There are impacts on rights of way and landscape character, but it is considered that the impacts are limited, and the overall scheme is considered to be acceptable in general.
- 11.3. For the reasons set out above, the proposal is considered to be acceptable. Therefore, the Officer's recommendation is to approve subject to the resolution of the matters set out under Section 1 of this Report.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout

13. REASONS RECOMMENDED FOR APPROVAL IF PERMISSION IS GRANTED

1 The development hereby permitted shall be commenced within three years from the date of this permission. The applicant shall notify the Local Planning Authority in writing within seven working days of the commencement of development.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall handle no more than 200,000 tonnes of inert waste per annum. The operator shall maintain records of the tonnage of waste delivered into and out of the site and shall make these records available to the Local Planning Authority at any time upon request.

Reason: To ensure that the amount of waste treated at the site does not exceed the level upon which the transportation impact was assessed. Relevant Policies - Policy DM9 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.

3 Except in emergencies to maintain safe site operations shall be notified the Local Planning Authorities in writing within 7 working days of those emergency operations taking place, and no operations or activities authorised or required by this planning permission be carried out except between the following times:

Mondays to Fridays: 07.00-18.00

Saturdays: 07.00-13.00

There shall be no operations or related activities carried out on Sundays, Bank Holidays, or Public and National Holidays.

Notwithstanding the above,

The importation of materials into the site shall only take place between the following hours:

Mondays to Fridays: 10.00-17.00

Saturdays: 10.00-13.00

The export of materials out of the site shall only take place between the following hours:

Mondays to Fridays: 07.00-16.00

Saturdays: 07.00-13.00

Reason: To enable the Local Planning Authority to exercise control over the development hereby permitted and protect the amenities of local residents. Relevant Policies - Policy EP1 of the Borough Local Plan 2013-2033 and Policy DM9 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.

4 Irrespective of the provisions of Classes J and L of part 7 and Class A of part 2 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 hard surfaces, the extension or alteration of the existing buildings, the installation of replacement plant or machinery and the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure shall be carried out without planning permission having first been obtained from the Local Planning Authority.

Reason: The site is in the Green Belt and whilst the development subject to this permission complies with the Green Belt policy further development would be unlikely to do so. Relevant Policies - Policy QP5 of the Borough Local Plan 2013-2033 and Policy DM6 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.

5 Prior to the operation of the development hereby permitted, details of the soft landscaping of the raised screening bund to the southern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping shall then be implemented within the first planting season following commencement of development.

Reason: To protect the amenity of the area and prevent nuisance arising from the proposed development. Relevant Policies - Policy EP1 of the Borough Local Plan 2013-2033 and Policy DM9 of the Central and Eastern Berkshire Joint Minerals &

- Waste Plan Policy.
- 6 Prior to the operation of the development hereby permitted, a Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the council. The ecological management plan is to comprise, as a minimum, the following:
Schedules of plants and trees, including native and wildlife-friendly species, including pollen-rich and fruit-bearing species and species likely to prove adaptable to climate change, noting species, plant sizes and proposed numbers / densities.
Clear long and short term aims and objectives for the site, to include the creation of neutral grassland and details of the retention and enhancement of the other habitats on site. Details including the types and locations of the bird and bat boxes. Implementation timetables including details of management and maintenance of the habitats for a period of at least 30 years. Prescriptions to achieve the aims and objectives of the plan to include details of which organisations /persons will be responsible for implementing the prescriptions. 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 the provision of biodiversity enhancements and a net gain for biodiversity. Relevant Policies - Policy NR2 of the Borough Local Plan 2013-2033 and Policy DM3 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.
- 7 No trees, bushes and hedgerows retained on the site shall be cut down, uprooted or destroyed, and no trees retained shall be topped or lopped other than in accordance with plans and particulars submitted to and approved in writing by the Local Planning Authority. If any retained tree is removed, uprooted, destroyed or dies within 5 years from the date of this permission, another tree of the same species shall be planted at the same place; and that tree shall be of such size and shall be planted at such time as shall be agreed in writing by the Local Planning Authority.
Reason: In the interests of visual amenity and to prevent nuisance arising from the proposed development. Relevant Policies - Policy NR3 of the Borough Local Plan 2013-2033 and Policy DM3 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.
- 8 Except in emergencies to maintain safe site operations, which shall be notified to the County Planning Authority in writing within 7 working days of those emergency operations taking place, all authorised vehicles required by this permission must be in accordance with the following requirements: Movements of HGV vehicles into or from the site shall not exceed 200 (100 in and 100 out) in any one day from Monday to Friday. Movements of HGV vehicles exceeding 7.5t gross vehicle weight to or from the site shall not exceed 120 (60 in and 60 out) in any one Saturday. No HGVs exceeding 32t weight or having more than four axles shall be used for the export of minerals or the importation of inert materials. HGVs importing inert fill to the site shall remain sheeted at all times, except during the inspection and discharge of loads. No load shall leave the site unless sheeted. A record of daily HGV movements shall be maintained at all times and shall be made available for inspection by the local planning authority within two weeks of a written request.
Reason: To ensure that the proposed development should not prejudice highway safety. Relevant Policies - Policy IF2 of the Borough Local Plan 2013-2033 and Policy DM12 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.
- 9 Signs advising drivers of the permitted vehicle routes from the site to the A4 shall be retained at the site exit and in the site office.
Reason: To ensure that the proposed development should not prejudice highway safety. Relevant Policies - Policy IF2 of the Borough Local Plan 2013-2033 and Policy DM12 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.
- 10 Prior to the operation of the development hereby permitted, a Dust Management Plan detailing the specific mitigation measures for the control of dust emissions shall be submitted to and approved in writing by the Local Planning Authority. The plan shall

- be implemented in accordance with the approved dust management plan thereafter.
Reason: To protect the amenities of the area and prevent dust nuisance. Relevant Policies - Policy EP2 of the Borough Local Plan 2013-2033 and Policy DM9 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.
- 11 Except for the period of bund construction hereby permitted, the site-attributable noise at any noise-sensitive premises shall not exceed 55 dB LAeq, 1hr (free field).
Reason: To protect the amenity of the area and prevent nuisance arising from noise. Relevant Policies - Policy EP4 of the Borough Local Plan 2013-2033 and Policy DM9 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.
- 12 During the period of bund construction, the site-attributable noise at any noise-sensitive premises shall not exceed 70 dB LAeq, 1hr (free field) between the hours of 08.00 and 17.00 Mondays and Fridays and between the hours of 08.00 and 13.00 on Saturdays.
Reason: To protect the amenity of the area and prevent nuisance arising from noise. Relevant Policies - Policy EP4 of the Borough Local Plan 2013-2033 and Policy DM9 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.
- 13 All plant, equipment and machinery shall comply with current noise emission/silencing standards and shall be maintained in good working order at all times. Any breakdown or malfunctioning of any plant, equipment and/or machinery that results in increased noise and/or dust emissions shall be dealt with promptly, with its use to be adjusted or suspended to ensure full compliance with the noise and dust controls in this permission until the breakdown or malfunctioning is made good.
Reason: To protect the amenity of the area and prevent nuisance arising from noise. Relevant Policies - Policy EP4 of the Borough Local Plan 2013-2033 and Policy DM9 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.
- 14 Within 12 months of the date of commencement, noise monitoring surveys shall be conducted quarterly or as required by the Local Planning Authority following receipt of a substantiated complaint. The result of results of the surveys shall be submitted to the Local Planning Authority within two weeks of each monitoring period.
Reason: To protect the amenity of the area and prevent nuisance arising from noise. Relevant Policies - Policy EP4 of the Borough Local Plan 2013-2033 and Policy DM9 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.
- 15 Prior to the installation of any external lighting other than that are erected or installed hereby permitted, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed and maintained in accordance with the approved details.
Reason: To protect the amenities of the area and limit light pollution. Relevant Policies - Policy EP3 of the Borough Local Plan 2013-2033 and Policy DM9 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.
- 16 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (ref. 21500996.603.A1) dated May 2022.
Reason: To protect the amenity and prevent flood risk. Relevant Policies - Policy NR1 of the Borough Local Plan 2013-2033 and Policy DM10 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.
- 17 Prior to the operation of the development hereby permitted, a complaints procedure setting out how the operator will record, address and respond to complaints relating to environmental matters including noise, dust, and HGV traffic shall be submitted to and approved in writing by the Local Planning Authority. The complaints procedure shall be implemented and maintained as approved.
Reason: To protect the amenity of the area and prevent nuisance. Relevant Policies - Policy EP1 of the Borough Local Plan 2013-2033 and Policy DM9 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.
- 18 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

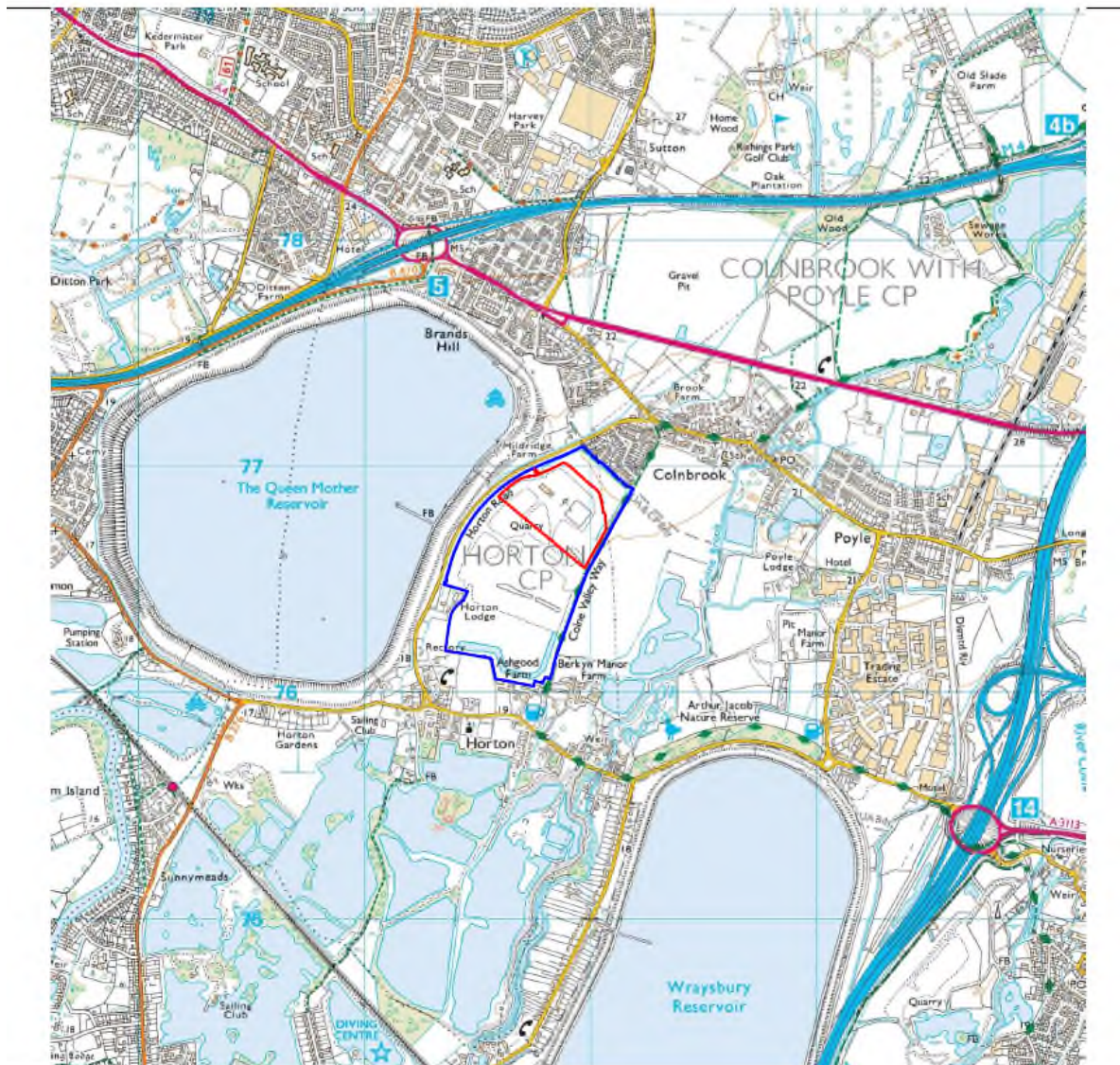
approved particulars and plans.

22/01492/FULL - Land East of Horton Road, Horton Slough

Appendices

Appendix A - Site Location Plan and Site Layout

Site Location Plan



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DEVELOPMENT CONTROL PANEL

4 January 2023

Item: 2

Application No.:	22/01593/FULL
Location:	Legoland Windsor Resort Winkfield Road Windsor SL4 4AY
Proposal:	Construction of a new building with associated works and infrastructure to create an indoor attraction - development to dovetail with planning permission 17/01878/OUT.
Applicant:	Legoland Windsor Park Ltd
Agent:	Mrs Sarah Moorhouse
Parish/Ward:	Windsor Unparished/Clewer And Dedworth East
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 proposal is to provide a building to for a new indoor Adventure Golf attraction (Birdie Project) for both day visitors and those staying overnight at the park. The building will be sited on part of one of the existing carparks near the guest entrance to Legoland.
- 1.2 The proposal is considered to appropriate development in the Green Belt as it represents limited infilling/ partial redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt that the existing development. The proposal is not considered to conflict with any of the stated purposes of the Green Belt.
- 1.3 The proposal would result in the loss of 131 existing carparking spaces; however given the occupancy rates of the existing carparks and proposed additional carparking spaces being proposed with the Holiday Village approved under 17/01878, it is not considered that the proposal would lead to any parking pressure at Legoland. Furthermore, it is considered that the new indoor attraction would lead to negligible additional traffic on the highway.
- 1.4 The proposal is considered to be acceptable in relation to character and appearance, heritage assets, trees, ecology, highways and parking, neighbouring amenity and sustainable drainage.

It is recommended the Panel authorises the Head of Planning to:

Grant Planning Permission subject to completion of a Section 106 agreement to secure carbon offset contributions and with the conditions listed in Section 12 of this report;

OR

If a satisfactory S106 agreement is not secured, refuse planning permission for the failure to ensure a satisfactory environmental impact of the proposed development

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application as it is a major application. The decision can only be made by the Panel as the proposal exceeds the **1000sqm** threshold set out in the constitution.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

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

4. KEY CONSTRAINTS

- 4.1 Legoland and the site is located on the edge of the built-up area of Windsor which lies to the north-east of the theme park. To the south lies Windsor Forest and to the east is Windsor Great Park. Windsor Great Park is designated as a historic park and garden, while both Windsor Forest and Windsor Great Park are designated as a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). Windsor Great Park is designated as a historic park and garden.

The site, Legoland as a whole, lies in the Green Belt.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal is for a new indoor Adventure Golf Attraction which is described as dovetailing with a previous permission the hybrid application 17/01878/OUT. It is the applicant's intent to implement the scheme approved under 17/01878/OUT.
- 5.2 The new building is to be sited on part of an existing carpark the layout of which was approved to be altered under 17/01878/OUT. These alternations include the provision of echelon parking.
- 5.3 This current proposal seeks to follow on from the approved alterations to the carpark.
- 5.4 There is significant planning history for the site, the most recent being:

Reference	Description	Decision
09/01184/OUT	Outline application for the erection of a 150 bedroom hotel with landscaping, sustainable drainage, alterations to internal access road and parking to provide 321 spaces	Approved - 07.10.2009

	and associated works. All matters reserved.	
09/02094/FULL	Replacement storage building,	Approved – 09.11.2009
09/02647/VAR	Erection of a 150 bedroom hotel with landscaping, drainage, alterations to internal access road and parking as permitted by Outline application 09/01184 without complying with condition 4 of that permission relating to total floorspace not to exceed 9000sqm gross external floorspace, to allow the total floorspace not to exceed 9450 sqm gross external floorspace.	Approved – 09.02.2010
10/00064/FULL	Erection of a covered terrace area, to the West of Pirate Falls Ride	Approved – 22.02.2010
10/00106/FULL	Proposed paid parking exit system comprising four parking barriers, a ticket kiosk and works to realign/widen and internal road.	Approved – 01.03.2010
10/00155/FULL	Reserved matters pursuant to outline planning permission 09/01184/OUT for the construction of a 150 bedroom hotel with landscaping, sustainable drainage, alterations to internal access road and parking to provide 321 spaces and associated works.	Approved – 19.04.2010
10/01122/FULL	Erection of an indoor Sealife attraction building, including canopy, terrace and associated landscaping	Approved – 08.07.2010
10/02813/FULL	Extension to the Adventureland toilets and boardwalk	Approved – 04.01.2011
11/00526/FULL	Installation of a timber canopy over the Dino Dipper ride	Approved – 04.04.2011
11/00802/FULL	Installation of new show seating at the Johnny Thunder Adventures' Show	Approved – 03.05.2011
12/02314/FULL	Construction of a new 'Traffic Games' kiosk style fairground unit	Approved – 07.01.2013
13/00043/FULL	Construction of a new plant enclosure within the 'Duploiland' area of the park	Approved – 11.02.2013
13/00190/FULL	Construction of a new 'Traffic Games' kiosk style fairground unit	Approved – 11.03.2013
13/01168/FULL	Erection of timber food and beverage kiosk	Approved – 10.07.2013

13/02393/FULL	Redevelopment of an existing area of the Park to create a new and extended 'Pirate Training Camp' including demolition of existing structures and the installation of 'Pirates Rigging'	Approved – 11.03.2013
14/01251/FULL	Installation of a new attraction including a haunted house building, queue line area, landscaping and alterations to an existing pathway within the resort	Refused – 20.08.2014 Appeal Allowed – 27.11.2015
15/02105/FULL	Installation of a new attraction including a haunted house building, queue line area, landscaping and alterations to an existing pathway within the resort	Declined to Determine
15/02004/FULL	Erection of a 61 bedroom themed hotel extension with covered link walkway, restaurant extension to the existing Legoland Windsor Hotel with associated landscaping and alterations to the existing SUDs scheme, following demolition of existing Dino Safari ride and toilet block	Approved – 15.02.2016
16/00851/FULL	Development of a new ride to replace the existing Loki's Labyrinth attraction, including erection of new building, entrance portal, courtyard, temple and associated queue line, infrastructure and landscaping	Approved – 17.06.2016
17/01878/OUT	Hybrid planning application seeking permission for the following Full (detailed) projects: Project 1 - the erection of 65 permanent semi-detached lodges (130 units) and 20 'barrels' with associated amenity facilities block to provide visitor accommodation, a central facilities 'hub' building, SUDs ponds, landscaping works (including equipped play areas) and associated infrastructure works ('Phase 1' of the holiday village); Project 2 - Reconfiguration of car parking and internal accesses and associated engineering/infrastructure works; Project 3 - Change of use of existing farm buildings from agricultural/'sui generis' use to Use Class D2, ancillary 'back of house';	Approved – 10.04.2019

	<p>accommodation and land for re-use by the theme park and the creation of one new access point from the existing car park and Project 4 - Extension and alterations to 'The Beginning' comprising new admissions building, extension to existing toilet facilities and new entrance portal. Permission for the following Outline projects: Project 5 - Construction of the '2019 attraction' comprising three 'attraction zones' for up to three new rides (one to be an indoor attraction and the other two to be uncovered or covered) with associated queue line areas, landscaping works and associated infrastructure; Project 6 - Construction of a new indoor ride on the 'Haunted House' site with associated queue line area, landscaping works and associated infrastructure; Project 7 - Extension to the existing 'Big Shop' LEGO store in 'The Beginning' area; Project 8 - Erection of up to 300 units of visitor accommodation ('Phases 2 and 3' of the holiday village) with two associated central facilities 'hub' buildings, SUDS ponds, landscaping, infrastructure works and car parking area.</p>	
19/02163/CPD	<p>Certificate of lawfulness to determine whether the proposed installation of a coaster ride, control cabin, photo booth and enclosure is lawful.</p>	<p>Approved – 07.10.2019</p>
19/02007/FULL	<p>Redevelopment of Adventure Land including the erection of new buildings, ride and play equipment, hard and soft landscaping with associated infrastructure, following demolition of various existing buildings</p>	<p>Approved 14.04.2020</p>
19/02163/CPD	<p>Certificate of lawfulness to determine whether the proposed installation of a coaster ride, control cabin, photo booth and enclosure is lawful</p>	<p>Permitted development 07.10.2019</p>
20/01694/VAR	<p>Variation (under Section 73A) of Condition 2 (Approved Plans) to substitute those plans approved under 19/02007/FULL for the redevelopment of Adventure Land</p>	<p>Approved 30.10.2020</p>

	including the erection of new buildings, ride and play equipment, hard and soft landscaping with associated infrastructure, following demolition of various existing buildings with amended plans	
22/01595/LEG	Discharge of planning obligation (Travel Plan - Clause 2.1-2.2) in regards to planning application 17/01878/OUT.	Application permitted 09.06.2022
22/02369/CPD	Certificate of lawfulness to determine whether the installation of plant and machinery in the form of a 'Duelling' coaster ride and with ancillary elements including operators cabin, queue line, loading platform and perimeter is lawful.	Permitted development 02/11/2022

6. DEVELOPMENT PLAN

Borough Local Plan: Adopted Feb 2022

Issue	Local Plan Policy
Green Belt	SP1, QP5
Character and Appearance	QP1, QP3
Sustainable Transport	IF2, IF5
Trees and Ecology	NR2, NR3
Historic Environment	HE1, HE2
Visitor Development	VT1
Environmental Protection	EP1, EP3, EP4

Adopted Windsor Neighbourhood Plan – policies VIE.01, BIO.01, DES.01.

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

Section 2 – Achieving Sustainable Development

Section 4 – Decision-making

Section 6 – Building a Strong, Competitive Economy

Section 9 – Promoting Sustainable Transport

Section 12 – Achieving Well-Designed Places

Section 13 – Protecting Green Belt

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

Section 15 – Conserving and Enhancing the Natural Environment

Other Local Strategies or Publications

7.1 Other Strategies or publications material to the proposal are:

- RBWM Landscape Character Assessment
- RBWM Parking Strategy

8. CONSULTATIONS CARRIED OUT

- 8.1 A total of 9 properties were directly notified. No letters of objection, comment or support have been received.
- 8.2 A site notice was posted near the site entrance on 27th July 2022 and the application was advertised in the Maidenhead Advertiser on 31st August 2022.
- 8.3 No letters were received supporting or objecting to the application.

Consultee	Comment	Where in the report this is considered and officer comment.
Highways	No objection raised.	See paragraphs 9.27-9.36
Lead Local Flood Authority	A condition is recommended to secure a surface water drainage scheme	See para. 9.46. A condition will be included.
Natural England	NO OBJECTION Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.	Noted.
Thames Water	This response is based on the proposal that foul water will discharge to a septic tank. If the proposal changes Thames Water will need to be reconsulted. On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends an informative to be attached to any planning permission regarding water pressure and use of mains water for construction purposes.	Noted.

9. EXPLANATION OF RECOMMENDATION

- 9.1 The key issues for consideration are:
- i Green Belt
 - ii Character, appearance and impact on local area
 - iii Heritage Assets
 - iv Highways and parking
 - v Trees and Ecology
 - vi Neighbouring Amenity

- vii Archaeology
- viii Drainage
- ix Sustainability
- x Planning balance and conclusion

i Green Belt

- 9.2 The application site is located within the southern part of the existing car park (Priority Car Park A) of the LEGOLAND Windsor Resort. The new building would occupy only a part of this carpark, nearest to the Legoland park entrance.
- 9.3 The proposed building will comprise an indoor Adventure Golf attraction available for both day visitors and those staying overnight at the Park. There will be four individually themed golf courses within the building.
- 9.4 The footprint of the building is approximately 1,536.12 sq metres. The width of the building is 30.6m, length 50.2m, height to the ridge is 5.95 metres and height of the eaves 4.2m. The exterior of the building would be finished in grey steel flat panels, with an aluminium framed curtain wall. The main entrance to the building will be on the south elevation. The pitched roof will be Kingspan panels in grey to match the walls. Theming will be limited primarily to the main entrance, with a birds nest steelwork frame and randomly placed 5mm thick colour cladding panels cut to resemble Lego bricks.
- 9.5 The applicant has confirmed that the building will not be fully enclosed with fencing. It is understood that visitors will be able to book/access the Adventure Golf separately to the main Park so the building does not need to be fully enclosed, but will have CCTV coverage.
- 9.6 Paragraph 149 g) of the NPPF allows limited infilling or 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.
- 9.7 Appendix 2 of the NPPF defines previously developed land as ‘land which is or was occupied by a permanent structure including the curtilage of the development land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure ...’
- 9.8 On the basis of this definition it is considered that the Legoland site falls under the definition of previously developed land. Furthermore, the carpark where the Golf Adventure building would be sited, is also considered to be within the curtilage of the developed land.
- 9.9 Regarding the impact on openness, the concept of openness relates to the lack of development or built form, however Turner v SSCLG and East Dorset Council [2016] and Goodman v SSCLG [2017] established that the impact of openness of the Green Belt should be assessed taking into account both its spatial and visual impact, while

Euro Garages Limited v SSCLG [2018] establishes that greater floor area and/or volume does not necessarily mean that there is a greater impact and it is also necessary to consider “the impact or harm, if any, wrought by the change”. This Case Law is a material consideration, and in response to this case law the National Planning Policy Guidance (NPPG) which supports the NPPF advises that in addition to volume the visual impact of the proposal may also be relevant and the degree of activity likely to be generated.

- 9.10 In terms of the percentage of the car park area (Priority A carpark), to be lost to the new building, this would amount to no more than 20% percent of the total area. The carpark is a level area of land that is well screened by trees on its periphery and is not readily visible from beyond the Legoland boundaries or within long range views of the landscape.
- 9.11 The applicant has submitted a landscape assessment in the form of annotated photographs showing long range views. The LPA is satisfied that the new building, with a maximum height of no more than 6 metres would not significantly affect any long range views of the Legoland site and would be well screened by existing trees. The LPA is satisfied that the proposed development would not have a greater impact on openness of the Green Belt.
- 9.12 The applicants have prepared a case of very special circumstances (VCS), to justify the proposed development, in the event that the LPA could not accept that the proposed development constituted appropriate development in the Green Belt.

The applicant’s justification (VSC) for the proposal is as follows:

-The new Adventure Golf Indoor Attraction will be a new secondary ‘support ride’. It will provide an additional indoor attraction for guests to the Park and also guests to the Hotel and future holiday villages which is open for additional periods out of season (when the main Park is closed).

-The proposal represents an important element of the Legoland Windsor (LLW) continued investment strategy at the park. In order to maintain visitor numbers, this requires a visitor attraction to invest and improve.

-Visitor numbers fluctuate daily, seasonally and yearly. Park attendance/attractiveness is limited when the weather is wet/cold due to a low number of covered attractions/facilities at the Park which account for approximately 25% of total rides and attractions. (Other covered attractions include, the 4D Theatre, Legoland Miniland, Starwars, Laser Raiders, X-box Zone, Atlantis, Ninjago, Haunted House and Mythica). The ideal visitor model for any theme park would be the same number of visitors each day, throughout the year to ensure steady employment; although it is recognised this is unrealistic. However, this application provides an opportunity to contribute to the ‘smoothing out’ of visitor flow at the Park.

-LLW provides a large number of jobs -290 permanent jobs and 1,800 seasonal jobs. Based on the share of the workers employed at the Park who live locally, it is estimated that 78% of the annual wage expenditure is retained in households within the local area.

-The proposed development will create 20 jobs (permanent and seasonal) with many positions filled by local people.

-In addition to wage spending, the total expenditure on the supply of goods and services amounts to £31.0 million annually.

-The capital expenditure generated by LLW equates to around £9.4m per year which is estimated to support 93 temporary construction jobs each year.

-LLW contributes to approximately £1.7m in business rates per year to RBWM Council. A part of these will be recycled back into the local community in the form of Council spending on services and infrastructure.

-LLW undertakes a wide range of community and charity initiatives through their own programmes and in partnership with other organisations.

9.13 The applicant thus concludes that in the context of a competitive market in the which LLW operates, the proposal is required to ensure the Park maintains current visitor numbers and therefore, retains its position as a leading visitor attraction in the south east. This in turn will ensure the Park can continue to deliver the above mentioned substantial economic benefits locally, regionally and nationally.

9.14 Whilst not needing to rely on a VSC case for this proposed development, the LPA acknowledges that there are economic benefits to the borough in ensuring the continued success and viability of Legoland and these are material considerations.

ii Character, appearance and impact on local area

9.15 Adopted Borough Local Plan policy QP3 requires new development to contribute towards achieving sustainable high quality design in the Borough. A development proposal will be considered high quality design and acceptable where amongst other things it achieves the following design principles:

b. Respects and enhances the local, natural or historic character of the environment, paying particular regard to urban grain, layouts, rhythm, density, height, skylines, scale, bulk, massing, proportions, trees, biodiversity, water features, enclosure and materials;

e. Respects and retains existing high quality townscapes and landscapes and helps create attractive new townscapes and landscapes;

9.16 Policy VT1 of the adopted RBWM BLP states:

3. Development required to meet the changing needs of visitors at existing visitor attractions will be supported if the proposal does not have an adverse impact on local environment, amenity or traffic.

4. Development proposals for visitor development in rural locations will be supported where the proposals promote the rural economy and contribute positively towards the ongoing protection and enhancement of the countryside.

5. Visitor development proposals located in the Green Belt will be expected to demonstrate that they maintain the character of the Green Belt in that location, protect historic and heritage assets, are in conformity with current Green Belt guidance, policy and legislation, and are supported by a case of very special circumstances.

- 9.17 Policy VIE.01 of the Windsor Neighbourhood Plan states that development proposals must respect the Designated Views and Viewing Corridors. These include the St Leonards Hill landscape from across the Great Park (Landscape Panorama).
- 9.18 The site is classified as 'Farmed Parkland' (3d Windsor Great Park West) in the Council's Landscape Character Assessment (LCA). The Windsor Great Park West landscape character includes mature parkland and deciduous woodland copses and belts on the periphery of the Crown Estate. The age of the parkland and woodland copses and link with Royal Patronage adds a historic and cultural dimension to the character of this landscape type. Legoland is located towards the centre of this landscape area, set within a wooded framework it is relatively screened from the wider landscape although there are long distance views of the area from Flemish Farm and Windsor Great Park (Queens Anne's Gate). The LCA advises that long distance views across the predominately undulating landscape, which are experienced by users on the roadways and footpaths within the locality, are important to the visual character of this identified type.
- 9.19 The Council's Landscape Strategy concludes that overall this landscape is largely intact and therefore its condition is considered to be excellent, while the capacity for change is low due to the extent of important natural features within it. In terms of issues for recreation and tourism, the Council's Landscape Strategy notes that Legoland is a large investor in tourism since it opened in 1996 but the pressure for new amenity and recreational facilities, in particular the incremental spread and increased tourist activity may have a potentially significant impact on landscape character.
- 9.20 The Council's Landscape Character Assessment identifies Legoland as part of the Parkland landscape, but it is considered that the Legoland incorporates its own distinct character. In relation to the wider Parkland landscape, the Landscape Character Assessment identifies one of the key characteristics is the theme park being framed by woodland. It is considered that the proposal would not erode this characteristic and therefore acceptable in this respect.
- 9.21 In terms of general design and appearance, the overall height, form, scale, colours and materials of the proposed building are considered to be acceptable within the context of Legoland. In terms of long range views, the LPA is satisfied that there would be no significant effect on views from Windsor Great Park.
- 9.22 The proposed use of the building as an indoor attraction which is part and parcel of the Legoland site would not significantly intensity of use of the site or result in any significant additional noise and disturbance to the local area.

iii Heritage Assets

- 9.23 The Windsor Great Park, a Grade I Registered Historic Park and Garden (RHPG), is a receptor of high significance and sensitivity; the boundary of the RHPG is located circa 300m to the south-east of the application site.
- 9.24 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). Paragraph 200 of the NPPF goes on to state that substantial harm to assets of the highest significance which includes Grade I registered parks and gardens, should be wholly exceptional.

- 9.25 Paragraph 202 of the NPPF states that where a development leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.
- 9.26 In this case, the proposal is not considered to result in any harm to the RHPG given the screening of the site and the separation distance between the two. As such, it is considered that the proposal is acceptable in this respect.

iv Highways and parking

- 9.27 The approved parking layout for this carpark in application 17/01878/OUT (for the Holiday Village) is shown on drawing 591/35/13 and this plan shows parking spaces reconfigured so they provide echelon parking. It is noted that the Holiday Village (HV) will be completed in three phases/projects - HV1, HV2 and HV3.
- 9.28 The applicant advises that if this current application is approved, the current proposals will be implemented following the implementation of Project 2 of the Hybrid Permission 17/01878/OUT).
The proposed block plan (drawing 102 Rev A within the Transport Statement) reflects the approved hybrid parking layout that will be implemented *before* the adventure golf proposals.
The red line includes part of the car park where changes to the approved parking layout are required to accommodate the proposals.
- 9.29 The transport assessment advises that post Covid-19 the resort has aimed at attracting circa 14,500 guests on a peak day, which they say is considerably lower than the circa 20,000 guests that was historically experienced on peak days.
- 9.30 The applicant advises:

'LLW is seeking to maintain visitor numbers at a level significantly lower to that on 'peak days' prior to the pandemic. As a result of all the changes/learnings over the past few years, it has become clear that smoothing visitor numbers over the season and easing capacity on peak days is key to improving the overall guest experience. Indeed it is also positive from a commercial perspective. The Park is seeking to do this by:

-Advance ticketing and pricing variations which allow the number of visitors to be controlled/monitored. In comparison with how tickets were sold in the past, the use of advanced/online booking systems allows a more sophisticated way of managing numbers and spreading the attendances.

-To assist the distribution of guests LLW is seeking to provide more indoor attractions, such as Project Birdie, to increase the attractiveness of the Park throughout the year, extending the number of days the Park can open

-Providing further on-site accommodation (Holiday Village), which, when complete, will allow the Park to accommodate over 2,000 guests overnight. Parking for these guests is/will be provided for in other parking areas (the hotel has a dedicated car park (321 spaces) and the Holiday Village will have a dedicated car park (450 spaces) which will come forward on the implementation of Holiday Village Phases 2 and 3).

As set out in the Transport Statement that accompanied the planning application, during the peak days at the resort in 2021 the occupancy of the car park did not exceed 65%. We acknowledge that 2021 was not necessarily a

representative year for the Park due to some remaining Covid restrictions being in place at the beginning of the season, however, as set out in the Statement from LLW, the peak capacity in 2022 did not exceed that in 2021.

Notwithstanding this, the Transport Statement Addendum demonstrates that, even if visitor numbers were to increase above the peaks experienced in 2021/2022, there is sufficient remaining parking capacity within the existing and approved car parks (including the spaces for the Holiday Village) to cater for this.

LLW explains in its Statement that a desirable peak day is around 14,500 guests. The parking requirement at the moment is about 3,300 allowing for the guests already in the hotel car park, using public transport and other means of travel (inc. coaches). In the future, once built, the Holiday Village (HV) will provide about 1,500 of those 14,500 guests. The HV will provide its own parking of 450 spaces. On this basis there will be 450 spaces that become available in the main car park and could accommodate about 1,000-1500 guests. This alone would allow LLW to overshoot the desirable guest number of 14,500 by up to 1,500.

Further to this, on busy days, Adventure Golf will only be available for use by Park and/or Hotel/HV guests. In the shoulder/off-peak periods there could be others using the attraction but on these days car parking provision will be more than sufficient to meet all requirements at LLW.

On this basis we conclude there is more than adequate parking capacity with Adventure Golf in situ.'

- 9.31 It is noted that use of Flexible ticket pricing is aimed to discourage guests from travelling to the resort on busier days effectively reducing guest numbers and therefore parking demand at such times. The transport statement also expresses the view that the 1300m uphill walking distance from the Winkfield Road roundabout to the Resort's guest entrance represents a powerful deterrent to guests parking on the public highway.
- 9.32 Further comments have been received from the Highway Officer (in November), to clarify their originally submitted comments. The Highway Officer advises that it is anticipated that any potential increase in trips associated with the development would be negligible, having regard to paragraph 111 of the Framework.
- 9.33 The Transport Assessment advises that at the time of their 2021 surveys, the Resort experienced a maximum car park accumulation in its main guest car park of circa 3,200 vehicles, which they say equates to 14,000 guests being at the Resort. The Transport Statement (TS) reports that during the August 2021 period, the car parking occupancy rate did not exceed 65%.
- 9.34 The proposal leads to the loss of 131 car parking spaces, which having regard to Permitted Hybrid Car Park HV1 equates to a loss of 2.6%, and loss of 2.4% for HV1-3. It is understood that HV1 and HV1-3 provides 5,002 and 5,454 spaces, respectively. The loss of 131 spaces in relation to HV1 would result in a total of 4,871 spaces, and a total of 5,323 spaces for HV1-3.
- 9.35 The Transport Statement predicts that with parking occupancy levels remaining at 65% this would result in 3,251 of the 4,871 spaces being occupied and 1,620 spaces

remaining empty/available. For HV1-1, 3,544 of the 5,321 would be occupied with 1,777 remaining empty/available spaces.

- 9.36 Officers conclude that the loss of 131 spaces is unlikely to lead to car parking pressures in the resort or generate significant additional traffic on the highway network.

v Trees and Ecology

- 9.37 The proposed development is to be built on an existing tarmacked carpark and there would be no loss of soft ground. There are trees on the perimeter of the carpark; however the applicant has confirmed that it is not proposed to remove any trees or impact on root protection areas as part of this proposal.

Special Area of Conservation

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

On Site Biodiversity

- 9.40 As the building is to be sited on existing hardstanding within a carpark, there would be no loss of natural habitats as a result of the development. The applicant has submitted plans to show the provision of 4 bird boxes on the side elevation and 3 bat boxes on the rear gable of the building, and this would ensure a bio-diversity net gain on the site.

vi Neighbouring Amenity

- 9.41 As there are no neighbours in close proximity to the proposed building, there is not considered to be would be no direct loss of amenity to any neighbouring properties. The proposal is for an indoor attraction which would not give rise to any significant additional noise from the Legoland site.

vii Archaeology

- 9.42 The Council's Archaeology Consultant has commented that there are potential archaeological implications with this proposed development. Previous application 17/01878/OUT, with which this application is proposing to dovetail, had a planning condition applied for archaeology and therefore Berkshire Archaeology suggests that as this new application area was not included in the previous investigation it should also be subject to a condition.
- 9.43 17/01878/OUT included both an Environmental Statement and Archaeological Desk-Based Assessment, with which Berkshire Archaeology concurred. These categorised the overall assessment of the site's archaeological potential as 'moderate'. It was recognized that there is considerable element of uncertainty due to the limited previous archaeological interventions in the wider area. The presence of Windsor Great Park and Windsor Forest have militated against large scale archaeological interventions, the identification of soil and crop marks, and casual discoveries, which might have provided a better understanding of the site's potential.
- 9.44 The application site, therefore, falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. It is recommended that a condition is applied, 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'.
- 9.45 Since this application was originally submitted, the applicants have submitted a Written Scheme of Investigation (WSI) which was subsequently revised in line with further comments received from the Council's Archaeological Consultant. The revised WSI is now considered to be acceptable. Therefore, a condition is required to secure a Watching Brief.

viii Drainage

- 9.46 The Lead Local Flood Authority has reviewed the submitted surface water drainage strategy and recommend a condition to secure a surface water drainage scheme.

ix Sustainability

- 9.47 Adopted Borough Local Plan policy QP3 states that new development will be expected to contribute towards achieving sustainable high quality design in the Borough. A development proposal will be considered high quality design and acceptable where amongst other things it achieves the following design principles:
- a. Is climate change resilient and incorporates sustainable design and construction which: minimises energy demand and water use maximises energy efficiency; and minimises waste.
- 9.48 Policy SP 2 (Climate Change) requires that all developments will demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change.
- 9.49 The Council's Interim Sustainability Position Statement (ISPS) requires that all developments (except householder residential extensions and non_residential

development with a floorspace of below 100sq.m) should be net-zero carbon unless it is demonstrated this would not be feasible.

The ISPS sets out the various criteria for achieving sustainability. These include the requirement to reduce carbon emissions.

- 9.50 Where new buildings cannot achieve carbon zero, carbon offset contributions are required and would need to be secured by way of a S106 Legal Agreement. The applicant has provided calculations of carbon emissions and the preparation of a legal agreement is currently underway.
- 9.51 The applicants have also submitted details of water consumption within the energy statement. This advises that the development will target the achievement of the equivalent of 2 BREEAM credits – so a 25% improvement over the baseline. The LPA is satisfied that this satisfies the criteria in the ISPS.

x Planning balance and conclusion

- 9.52 It is considered that the proposal would be in compliance with national and local planning policies in relation to Green Belt, heritage assets, trees, highway and parking, neighbouring amenity or surface water flood risk, and therefore would not result in any harm.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The Royal Borough of Windsor and Maidenhead implemented its Community Infrastructure Level (CIL) to help deliver the infrastructure needed to support development in the area, in September 2016. The proposed building would not attract CIL payments.

11. APPENDICES TO THIS REPORT

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

12. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 Prior to commencement (excluding demolition, site clearance and enabling works) of any below ground drainage works a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
Calculations to include development runoff rates, volumes (attenuation and long-term storage) and topographic details, and any consents required from Thames Water.
Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels long sections and cross

section and relevant construction details of all individual components.

Water quality discharged from the site should be of sufficient water quality. The applicant is to provide evidence that discharge from the site would be of sufficient water quality that it would not result in detriment to any receiving water course.

Details of the proposed maintenance arrangements relating to the surface water drainage system should also be provided, confirming the part that will be responsible.

Reason: To reduce the risk of surface water flooding. Relevant Policies - adopted Borough Local Plan QP2, NR1.

- 4 The watching brief shall be carried out fully in accordance with the revised approved Written Scheme of Investigation. The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the revised approved WSI and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. Once the work is completed, the results of the watching brief will need to be submitted to the Local Planning Authority for approval, in order to confirm that the work has been completed satisfactorily, and to discharge the condition.

Reason: The site lies in an area of archaeological potential, and any possible impacts of the development can be mitigated through a programme of archaeological work. 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, an archaeological monitoring and recording exercise in the form of a watching brief is likely to represent an appropriate programme of works. Relevant policies - NPPF paragraph 194 and adopted Borough Local Plan HE1.

- 5 The bat and bird boxes shall be provided and maintained at all times in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To incorporate biodiversity in and around developments in accordance with paragraph 180 of the NPPF. Relevant policy - adopted Borough Local Plan NR2.

- 6 Prior to the installation of any external lighting, a report detailing the external lighting scheme and how this will not adversely impact upon wildlife, shall be submitted to and approved in writing by the LPA. The report shall include the following figures and appendices:

A layout plan with beam orientation.

A schedule of equipment.

Measures to avoid glare.

An isolux contour map showing light spillage to 1 lux.

The approved lighting plan shall thereafter be implemented as agreed.

Reason: To limit the impact of light pollution from artificial light on nature conservation (paragraph 185 of the NPPF). Relevant policy - adopted Borough Local Plan NR2.

- 7 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.

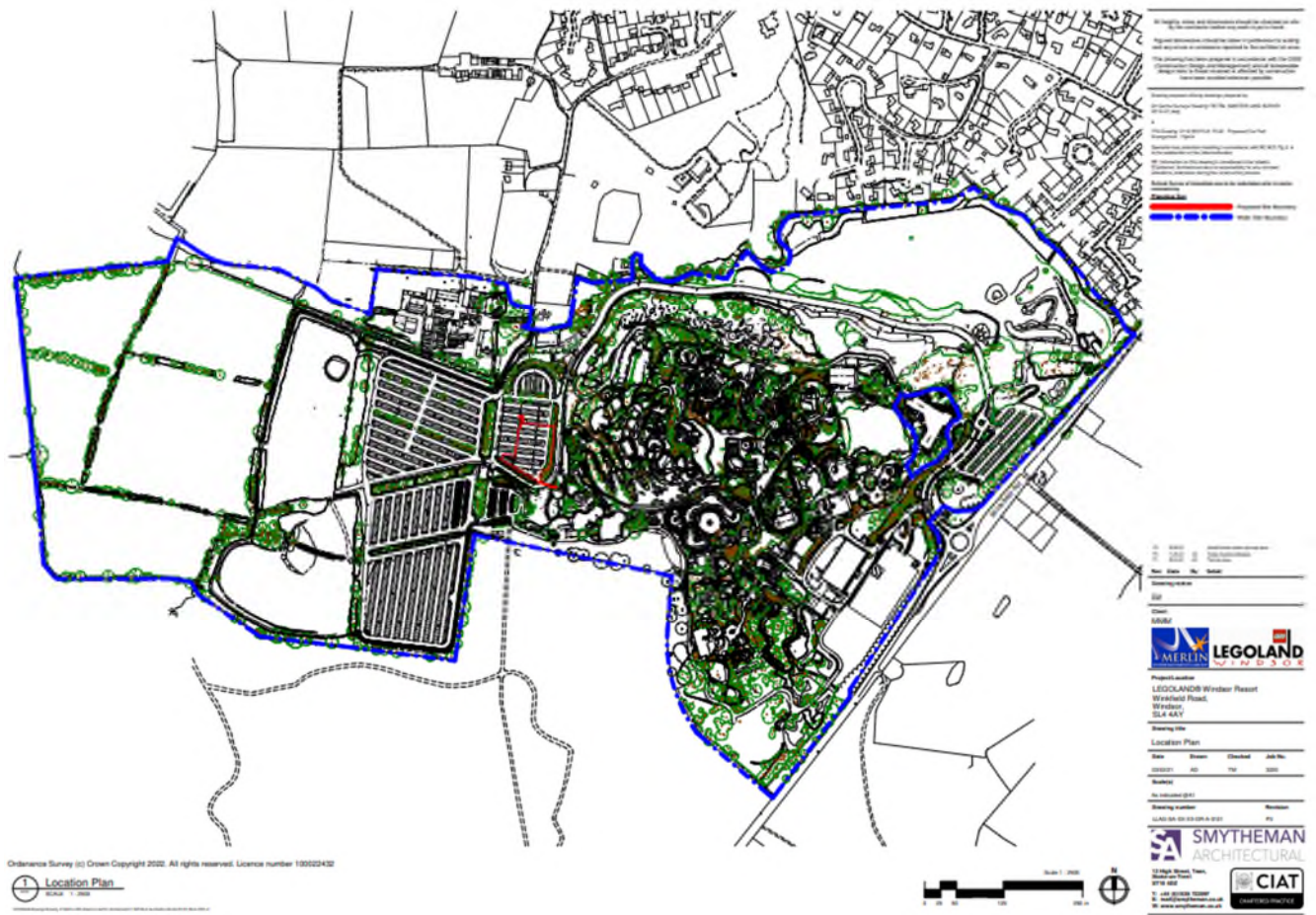
Informatives

- 1 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

Appendix A

Application 22/01593/FULL

Legoland Windsor Resort, Winkfield Road, Windsor, SL4 4AY



Appendix B

Application 22/01593/FULL

Legoland Windsor Resort, Winkfield Road, Windsor, SL4 4AY

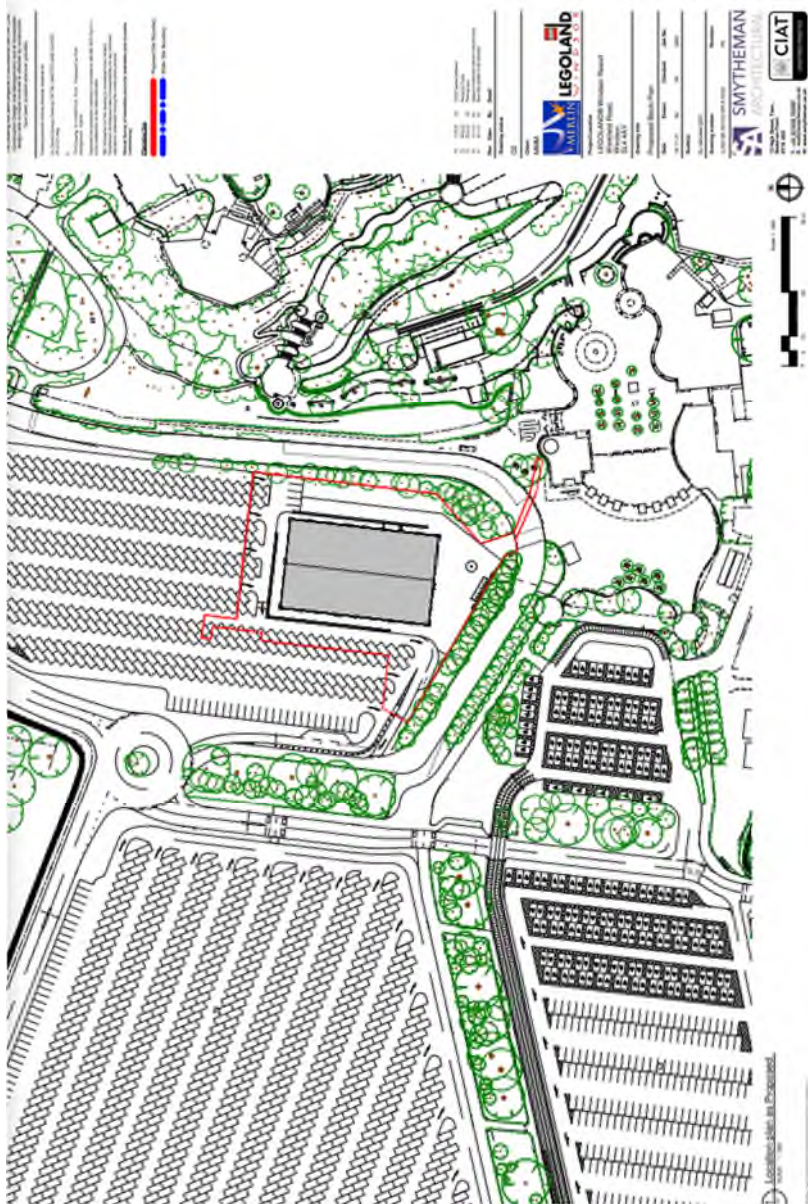
Context Plan



APPENDIX B

Application 22/01593/FULL

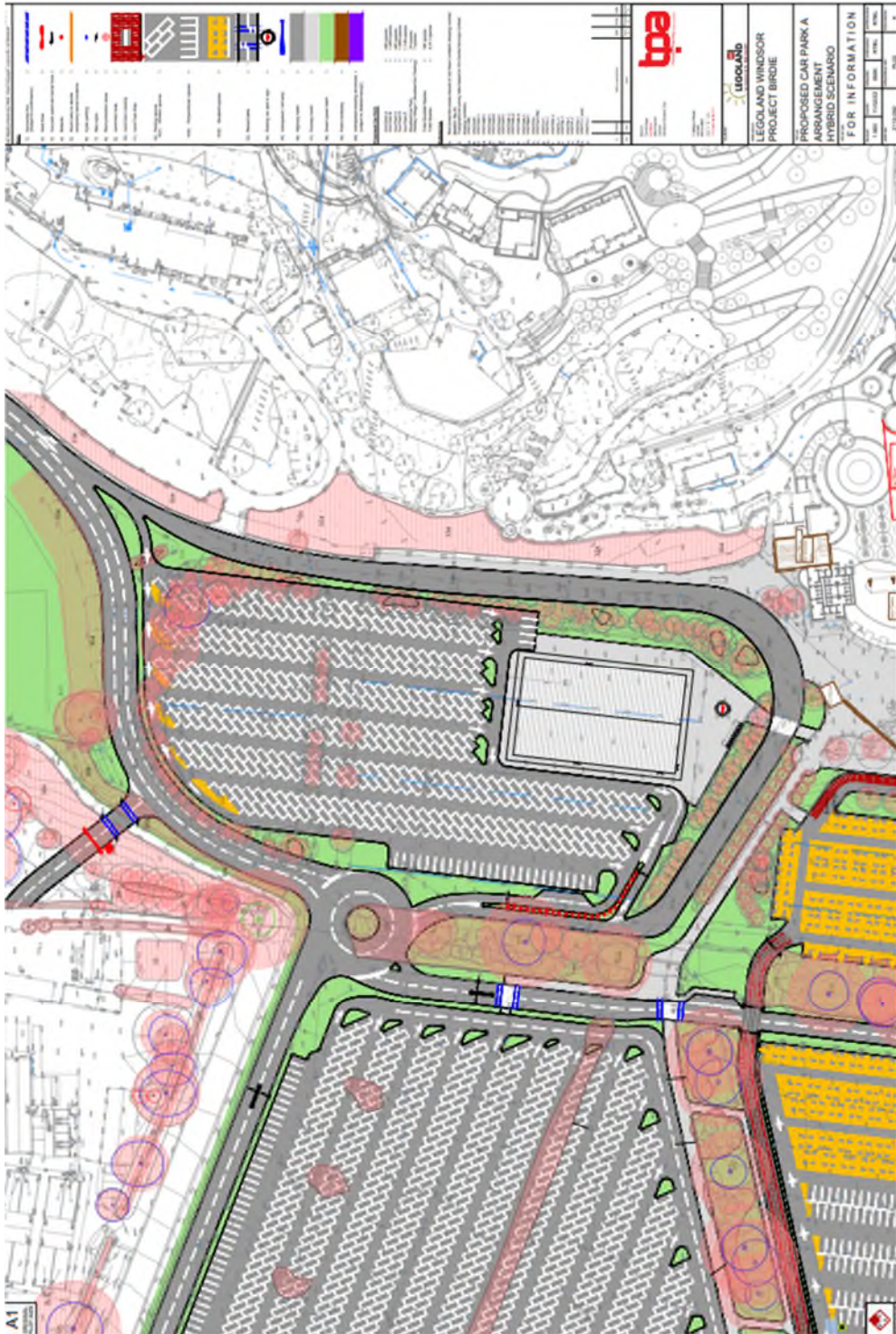
Legoland Windsor Resort, Winkfield Road, Windsor, SL4 4AY



Application 22/01593/FULL

Legoland Windsor Resort, Winkfield Road, Windsor, SL4 4AY

New building and proposed carpark layout



APPENDIX B

Application 22/01593/FULL

Legoland Windsor Resort, Winkfield Road, Windsor, SL4 4AY

Long Section



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DEVELOPMENT CONTROL PANEL

4 January 2023

Item: 3

Application No.:	22/02092/FULL
Location:	Super Vettura London Road Sunningdale Ascot SL5 0DQ
Proposal:	Construction of a replacement two storey car showroom.
Applicant:	Mr Burrows
Agent:	Mr Jason O'Donnell
Parish/Ward:	Sunningdale Parish/Sunningdale And Cheapside
If you have a question about this report, please contact: Katherine Hale on or at katherine.hale@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal seeks permission for the erection of a two-storey car showroom following the demolition of the existing building. This is a resubmission of previous planning permission granted in December 2019 under Council reference 19/03059/FULL for the "Construction of a replacement two-storey car showroom". The proposal is exactly the same as that approved in 2019. This previous planning permission expires on 30th December 2022.
- 1.2 Given the proposal is for a replacement building within the same employment generating use, the proposal is considered acceptable in principle in accordance with the Council's Employment policies. In addition, the proposal would not result in any detrimental impact to the character of the surrounding area, nor amenity of the nearby neighbouring buildings or highway safety. The proposal would enhance and modernise the site and allow for its continued use as a car sales showroom.

It is recommended the Committee authorises the Head of Planning:	
1.	To grant planning permission subject to the following: <ul style="list-style-type: none"> ❑ Submission of an energy statement and completion of Unilateral Undertaking to secure a carbon off-set fund and/or carbon shortfall contribution ❑ The conditions are listed in Section 14 of this report.
2.	To refuse planning permission if an energy statement and unilateral undertaking are not submitted and secured for the reason that the proposed development would not make the fullest contribution towards reducing carbon emissions and tackling climate change in line with policy SP2

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; such decisions can only be made by the Committee as the application is for major development.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 Super Vettura is located on the south-east side of the A30 (London Road) and currently benefits from having a dropped kerb access across the front of the site. The surrounding area comprises a mixture of commercial/retail uses and residential uses. The area is categorised as a 'Victorian Village' within the RBWP Townscape Assessment.

4. KEY CONSTRAINTS

- 4.1 There are no constraints within the site.

5. THE PROPOSAL

- 5.1 The proposal seeks permission for the erection of a two-storey car showroom following the demolition of the existing building.
- 5.2 This is a resubmission of the previously approved planning permission granted in December 2019 under Council reference 19/03059/FULL for the "Construction of a replacement two-storey car showroom". The description and proposal is exactly the same as what has been already approved. This previous planning permission is a material consideration in the determination of this application.

6. RELEVANT PLANNING HISTORY

Reference	Description	Decision
19/03059/FULL	Construction of a replacement two storey car showroom.	Approved 30 December 2019
17/03770/DEM	Demolition of existing unlisted car show room and garage accommodation.	Refused 3 January 2018
16/03463/FULL	Construction of a replacement two-storey car showroom.	Approved 19 January 2017
98/77136/ADV	Installation of illuminated and non illuminated fascia signs, hanging signs hanging clock and motif.	Approved 15 September 1998
95/01434/FULL	Change of use of Johnsons shop from retail to car showroom and erection of two new integral showrooms to rear.	Approved 17 January 1996
95/01431/TEMP	Temporary consent for new forecourt layout for increased number of cars displayed for sale together with exclusion throughout the period of preparation and servicing of	Approved 13 November 1996
94/01319/FULL	Andrews of Sunningdale Ltd London Road Sunningdale	Withdrawn 24 August 1995

	Berkshire SL% 0JJ change of use of existing premises to the sale, display and servicing of motor vehicles.	
94/01318/FULL	Change of use of existing premises to the sale, display and servicing of motor vehicles.	Refused 3 August 1994

7. DEVELOPMENT PLAN

7.1 The main relevant policies are:

Adopted Borough Local Plan

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Character and Design of New Development	QP3
Economic Development	ED1
Protected Employment Sites	ED2
Other Sites and Loss of Employment Floorspaces	ED3
Sustainable Transport	IF2

Adopted Ascot, Sunninghil and Sunningdale Neighbourhood Plan

Issue	Policy
Respecting the Townscape	NP/DG1
Density, footprint, separation, scale and bulk	NP/DG2
Good quality design	NP/DG3
Energy efficiency and sustainability	NP/DG5
Retaining and encouraging Employment	NP/E1
Retaining and enhancing retail	NP/E3
Parking and Access	NP/T1

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

Section 2 – Achieving sustainable development
 Section 4- Decision-making
 Section 6 – Building a strong, competitive economy
 Section 9- Promoting Sustainable Transport
 Section 11 – Making effective use of land
 Section 12- Achieving well-designed places

Supplementary Planning Documents

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

Other Local Strategies or Publications

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Interim Sustainability Position Statement
- Environment and Climate Strategy

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

8 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 15th August 2022 and the application was advertised in the Local Press on 11th August 2022.

No comments were received from neighbouring occupiers.

Consultees

Consultee	Comment	Officer comment
Highways	No objection subject to a condition relating to a construction management plan.	A construction management plan is not considered necessary for this scale of development and it would not be reasonable to impose a condition.
Environmental Protection	No objection subject to conditions relating to site workings hours and collection/deliveries during construction.	It is considered that such conditions are unnecessary and such matters can be controlled by other legislation. Informatives will be applied relating to considerate working

Others (e.g. Parish and Amenity Groups)

Group	Comment
Sunningdale Parish Council	No comments to make

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Principle of Development
- ii Design and Character
- iii Impact on Neighbours
- iv Parking and Highways Impacts

v	Sustainability and Climate Change
vi	Other Material Considerations

Principle of Development

- 10.2 This is a resubmission of a previously approved application for the ‘Construction of a replacement two-storey car showroom’ which was granted in December 2019 under Council reference 19/03059/FUL. The description and proposal is exactly the same as what has been already approved. This planning permission was not implemented and has, at the time of Committee, lapsed, however, it is still a material consideration in the determination of this application.
- 10.3 In addition, Policy ED3 seeks to protect existing employment sites with development proposals for employment on sites currently in employment use will be supported. The proposal seeks to retain and enhance the existing employment use with a modernised replacement car showroom. Policy TR4 also seeks to maintain facilities within District Centres. The site is within a primary shopping area however as the proposal is for the erection of a replacement car showroom, the proposed use of the site is staying the same. The proposal is therefore considered to therefore comply with Policy ED3 and TR4.
- 10.4 As such, the principle of development is considered acceptable.

Design and Character

- 10.5 Section 12 of the NPPF clearly states that the creation of high quality, beautiful and sustainable buildings is *fundamental* to what the planning and development process should achieve. Local Plan Policy QP3 is consistent with these overarching objectives of Section 12 of the NPPF and requires new development to be of a high-quality design and have regard to a range of design based criteria.
- 10.6 The proposed building is of a similar footprint to the existing building, being set no further forward within the street than the existing building and would have a similar ridge height to other retail/residential units within the area (particularly to the northeast). The proposed building would have a Gross Internal Area of 977.6 square metres, this is an increase of approximately 295 square metres compared to the existing building. The proposed size of the roof is considered acceptable. The surrounding buildings do not necessarily have similar sized windows as proposed, particularly given the proportion at first floor level. However this correlates with the use of the proposed building as a car showroom rather than as residential unit.
- 10.7 The proposed building would not appear overly dominant within the street scene or wider area and is not considered to be out of character in terms of its design given the nature of the area which consists of a number of commercial units of varying design. There is no uniformity of building design in the locality that requires this proposal to be subjective to prescriptive design criteria. The design of the building is acceptable and provides a complementary addition to the street scene and general character and appearance of the area.
- 10.8 As with the previously approved application it is recommended that should Councillors be minded to approve the application, that a condition should be attached to the planning permission to ensure materials used on the external surfaces of the development are submitted and approved to the Local Planning Authority. This will ensure the materials are sympathetic to the character of the area.

Impact on Neighbours

- 10.9 The use of the building is not changing and it is not considered that the new building would result in a material increase in noise, fumes or other emissions from the site. It is not considered necessary to control the hours of operation as the site is in a largely commercial area and it is not considered reasonable to do so as the use has operated from this site for many years without control and adverse issues arising. Given the nature of the proposal and the separation distances (16m) involved between the building and existing neighbours, the proposal would not have a detrimental impact on residential amenity. Whilst there may be some noise pollution during the demolition and construction works, this is likely to be minimal and would fall outside the planning remit.
- 10.10 In terms of the impact on neighbouring properties, it is considered that the proposed development would comply with paragraph 130(f) of the NPPF (2021).

Parking and Highways Impacts

- 10.11 The site currently benefits from a dropped kerb access to the front and a second access to the rear via a private access road. The existing access to the rear of the site would be stopped off whilst the access to the front (off London Road) will remain. The existing front access can achieve the required splays of 2.4 x 43m in both directions. The proposal is unlikely to cause a significant increase in vehicle movements to and from the site and would therefore not have a detrimental impact on highway safety in this regard.
- 10.12 With regards to car parking, under current Local Authority standards the site is deemed to be within a sustainable location, being within 250m of Sunningdale train station, therefore the minimum parking standard is deemed to be acceptable. The site, as with a lot of other local businesses does not benefit from on-site vehicle parking. There are, however, several nearby car parks along London Road as well as limited parking within Chobham Road. Parking restrictions operate within the area which will prevent indiscriminate parking within the area. On this basis the parking situation is considered acceptable. The Highways Officer has been consulted and raise no objection to the proposal.

Sustainability and Climate Change

- 10.13 The Council's Interim Sustainability Position Statement (ISPS) and Policies SP2 and QP3 of the Borough Local Plan require developments to be designed to incorporate measures to adapt to and mitigate climate change. This is reflective of the Council's Climate Change Emergency and Corporate Strategy aims and initiatives.
- 10.14 The ISPS requires all development proposals (with the exception of householder residential extensions and non-residential development with a floorspace below 100sqm) to make the fullest contribution to minimising carbon dioxide emissions. These developments should be net-zero carbon and should be accompanied by a detailed energy assessment and a completed Carbon Reporting Spreadsheet to demonstrate how the net-zero target will be met. Where the net-zero carbon outcome cannot be achieved on-site due to feasibility issues, any shortfall should be provided through a cash in lieu contribution to the Boroughs Carbon Offset Fund, which will be

ring fenced to secure delivery of greenhouse gas reductions elsewhere in the Borough. This offset is required unless it is demonstrated that this would undermine the viability of the development. Major development proposals should further seek to reduce potential overheating and reliance on air-conditioning systems and demonstrate this.

- 10.15 At the time of writing the committee report, the Council have requested an Energy and Climate Statement and informed the Applicant/Agent that a legal agreement will need to be entered into in this regard. Subject to completing the receipt of an appropriate energy statement and the securing of a unilateral undertaking, the proposal would be considered to comply with Polices SP2 and QP3 of the Local Plan.

Other Material Considerations

- 10.16 Policy NR2 of the BLP requires applications to demonstrate how they maintain, protect and enhance the biodiversity of application sites, avoid impacts, both individually or cumulatively, on species and habitats of principal importance.

- 10.17 Given the nature of the proposal being the erection of a replacement building for use as a car showroom, there would not be any loss of biodiversity. It is however suggested that biodiversity enhancements should be secured by way of condition, should permission be granted.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 11.1 The development would not be liable to pay CIL.

12. CONCLUSION

- 12.1 The application, would for the reasons set out above, represent an acceptable form of development in accordance with local plan polices and the NPPF, as such planning permission should be granted.

13. APPENDICES TO THIS REPORT

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

14. 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 Local Plan QP1 and QP3
- 3 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan

- QP1 and QP3
- 4 Prior to the commencement of the development above slab level, details of biodiversity enhancements, shall be submitted to and approved in writing by the Council in order to ensure a net gain in biodiversity at the site. The biodiversity enhancements shall thereafter be installed as approved and a brief letter report confirming the enhancements are in situ, is to be submitted to and approved in writing by the Council.
Reason: To incorporate biodiversity in and around developments in accordance with the NPPF and Policy NR2 of the Borough Local Plan
 - 5 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

- 1 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 2 The 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.
- 3 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.
- 4 Due to the close proximity of the site to existing residential properties, the applicant's attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicle parking at the site or making deliveries, and general disruption caused by the works. By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk

22/02092/FULL - Super Vettura, London Road, Sunningdale, SL5 0DQ

Appendix A - Site location plan and site layout





Appendix B – plan and elevation drawings



FRONT ELEVATION (north-west)

Scale 1:100 @ A1



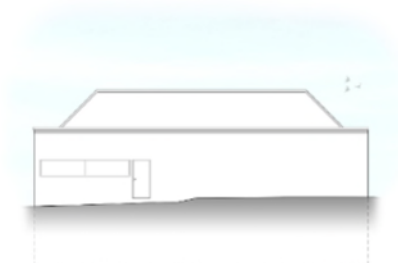
FRONT ELEVATION (north-west)

Scale 1:100 @ A1



SIDE ELEVATION (south-west)

Scale 1:100 @ A1



REAR ELEVATION (south-east)

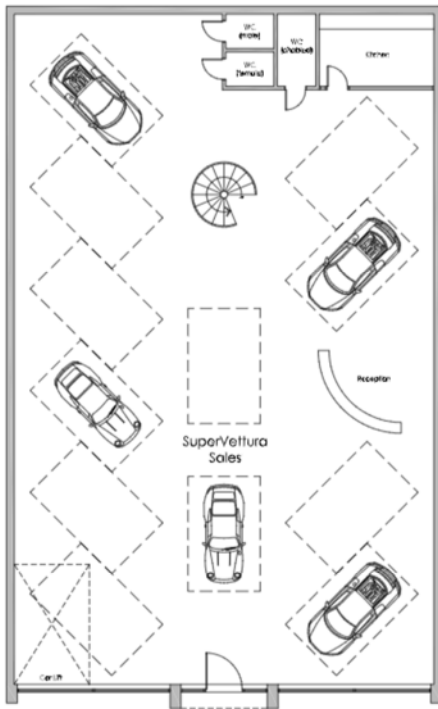
Scale 1:100 @ A1



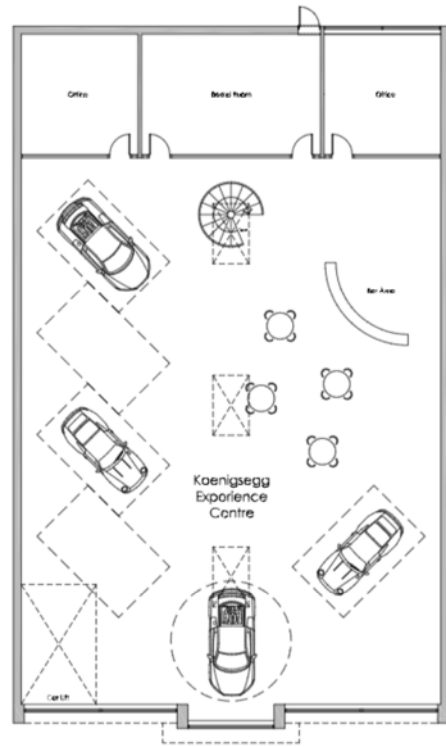
SIDE ELEVATION (north-east)

Scale 1:100 @ A1

Proposed Floor Plans



GROUND FLOOR PLAN
Scale: 1/100 (A1)



FIRST FLOOR PLAN
Scale: 1/100 (A1)

Proposed Street Scene



LONDON ROAD STREET SCENE (north-west facing)
Scale: 1/200 (A1)



Appeal Decision Report

21 October 2022 - 16 December 2022

WINDSOR AND ASCOT

Appeal Ref.: 22/60043/REF **Planning Ref.:** 21/02584/FULL **Plns Ref.:** APP/T0355/W/22/3291223

Appellant: Mr Uday Thangarajah **c/o Agent:** Ms Nicola Broderick NMB Planning Ltd 10 Church Road Alderton TEWKESBURY GL20 8NR

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

Description: New shopfront with roller shutters and signage. (Retrospective).

Location: 10B - 10C High Street Datchet Slough

Appeal Decision: Dismissed **Decision Date:** 31 October 2022

Main Issue:

Planning Appeals Received

21 October 2022 - 16 December 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 Plns 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: Old Windsor Parish
Appeal Ref.: 22/60074/REF **Planning Ref.:** 21/00825/FULL **Plns Ref.:** APP/T0355/W/22/3304447
Date Received: 1 November 2022 **Comments Due:** 6 December 2022
Type: Refusal **Appeal Type:** Written Representation
Description: Conversion of the existing Public House to include a single storey front/side extension, new front canopy, single storey side/rear extension, new external finish, alterations to fenestration, associate parking, bin and cycle storage and landscaping following demolition of the single storey side/rear extensions to provide 2no. semi detached dwellings and 1no. detached dwelling.
Location: **Jolly Gardener 92 To 94 St Lukes Road And Land At 92 To 94 St Lukes Road Old Windsor Windsor**
Appellant: Punch Partnerships (PML) Limited **c/o Agent:** Miss Neve Thomson Unit 3 Broadbridge Business Centre Delling Lane Bosham West Sussex PO18 8NF

Ward:

Parish: Sunningdale Parish
Appeal Ref.: 22/60076/REF **Planning Ref.:** 21/02983/FULL **Plns Ref.:** APP/T0355/W/22/3305462
Date Received: 2 November 2022 **Comments Due:** 7 December 2022
Type: Refusal **Appeal Type:** Written Representation
Description: Replacement dwelling following demolition of existing dwelling and outbuildings.
Location: **Saltaire Devenish Road Sunningdale Ascot SL5 9QP**
Appellant: Mr Stevens **c/o Agent:** Mrs. Raveen Matharu Savills (Uk) Ltd 33 Margaret Street LONDON W1G 0JD

Ward:

Parish: Old Windsor Parish
Appeal Ref.: 22/60080/REF **Planning Ref.:** 22/00521/FULL **Plns Ref.:** APP/T0355/W/22/3309485
Date Received: 15 December 2022 **Comments Due:** 19 January 2023
Type: Refusal **Appeal Type:** Written Representation

Description: Detached new dwelling following demolition of the existing garage.
Location: **The Vinery And Land At The Vinery 44 Burfield Road Old Windsor Windsor**
Appellant: Mr And Mrs Howe **c/o Agent:** Mr Duncan Gibson Duncan Gibson Consultancy 74
Parsonage Lane Windsor SL4 5EN

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