

# Public Document Pack

## Notice of Meeting

### Windsor and Ascot Development Management Committee

Councillors Amy Tisi (Chair), Mark Wilson (Vice-Chair), David Buckley, Alison Carpenter, Carole Da Costa, Devon Davies, Sayonara Luxton, Julian Sharpe and Julian Tisi

Thursday 6 July 2023 7.00 pm

Grey Room - York House, Windsor & on [RBWM YouTube](#)

www.rbwm.gov.uk



### Agenda

Item	Description	Page
1	<b>Apologies for Absence</b> To receive any apologies for absence.	-
2	<b>Declarations of Interest</b> To receive any declarations of interest.	3 - 6
3	<b>Minutes</b> To approve the minutes of the meeting held on 7 <sup>th</sup> June 2023 as a true and accurate record.	7 - 8
4	<b>22/02756/FULL Fowles Crushed Concrete Hythe End Farm Hythe End Road Wraysbury Staines TW19 5AW</b> <b>PROPOSAL:</b> Replacement of hardstanding with concrete surfacing, maintenance access and drainage infrastructure associated with the lawful storage and processing of waste material in the north western area of the existing waste recycling facility. <b>RECOMMENDATION:</b> Refuse <b>APPLICANT:</b> Mr Fowles <b>MEMBER CALL-IN:</b> N/A <b>EXPIRY DATE:</b> 7 July 2023	9 - 24
5	<b>23/00352/FULL The Lawns Nursery, Oakfield First School And Oakfield School Lodge Imperial Road Windsor</b> <b>PROPOSAL:</b> Change of use of the existing caretaker's bungalow (C3a) to provide early years pre-learning hub (F1a) with alterations to fenestration, rear terrace, 3no. car parking spaces and alterations to the existing school entrance with 1no. ramp and the creation of two separate entrances to The Lawn Nursery & Oakfield School. <b>RECOMMENDATION:</b> Defer and Delegate <b>APPLICANT:</b> Mr Smith	25 - 40

	<b>MEMBER CALL-IN: N/A</b> <b>EXPIRY DATE: 12 April 2023</b>	
6	<b>Planning Appeals Received and Planning Decision Report</b> To note the contents of the report.	41 - 42

By attending this meeting, participants are consenting to the audio & visual recording being permitted and acknowledge that this shall remain accessible in the public domain permanently.

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Published: 28<sup>th</sup> June 2023



## **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 7 JUNE 2023

Present: Councillors Amy Tisi (Chair), Mark Wilson (Vice-Chair), Alison Carpenter, Carole Da Costa, Devon Davies, Julian Sharpe, Julian Tisi and Asghar Majeed

Officers: Oran Norris-Browne, Gilian Macinnes and Jo Richards

### Apologies for Absence

Apologies were received from Councillors Buckley & Luxton. Councillor Majeed substituted for the latter.

### Declarations of Interest

No declarations of interest were made.

### Minutes

**AGREED UNANIMOUSLY: That the minutes of the meeting held on 5 April 2023 were a true and accurate record.**

### 22/03431/OUT - Land To The South of Old Ferry Drive Wraysbury And Land At 19 Old Ferry Drive Wraysbury Staines

Councillor Carole Da Costa proposed to refuse planning permission for the reasons that were stated in section 13 of the report, which was in line with the officer's recommendation. This was seconded by Councillor Majeed.

A named vote was taken.

<b>22/03431/OUT - Land To The South of Old Ferry Drive Wraysbury And Land At 19 Old Ferry Drive Wraysbury Staines (Motion)</b>	
Councillor Amy Tisi	For
Councillor Mark Wilson	For
Councillor Alison Carpenter	For
Councillor Carole Da Costa	For
Councillor Devon Davies	For
Councillor Julian Sharpe	For
Councillor Julian Tisi	For
Councillor Asghar Majeed	For
<b>Carried</b>	

**AGREED UNANIMOUSLY: That planning permission be refused for the reasons that were stated in section 13 of the report**

The committee was addressed by one speaker, Jeremy Butterworth, Applicant's Agent.

### Planning Appeals Received and Planning Decision Report

The committee noted the report.

The meeting, which began at 7.00 pm, finished at 7.31 pm

CHAIR.....

DATE.....



Agenda Item 4

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

**DEVELOPMENT CONTROL PANEL**

6 July 2023

Item: 1

<b>Application No.:</b>	22/02756/FULL
<b>Location:</b>	Fowles Crushed Concrete Hythe End Farm Hythe End Road Wraysbury Staines TW19 5AW
<b>Proposal:</b>	Replacement of hardstanding with concrete surfacing, maintenance access and drainage infrastructure associated with the lawful storage and processing of waste material in the north western area of the existing waste recycling facility.
<b>Applicant:</b>	Mr Fowles
<b>Agent:</b>	Guy Titman
<b>Parish/Ward:</b>	Wraysbury Parish/Datchet Horton And Wraysbury
<b>If you have a question about this report, please contact:</b> Jeffrey Ng on or at 01628 796213 jeffrey.ng@rbwm.gov.uk	

**1. SUMMARY**

- 1.1. This application seeks consent to construct a concrete surfacing and to install the associated surface water drainage infrastructure at the application site. The area of the proposed concrete surface would be approximately 5,175 square metres.
- 1.2. The Report sets out the relevant Development Plan, other relevant Policies and Guidance and other material planning considerations relevant to this planning application.
- 1.3. The proposed concrete surfacing is required to fulfil the requirement of the Environmental Permit, which requires certain waste including dredging waste taken from lakes and rivers and mixed waste derived from construction and demolition which is not hazardous, to be stored and treated on an impermeable surface with a sealed drainage system. Furthermore, the proposal would continue to support the wider waste recycling operation. However, the proposed surface water storage volume would only be sufficiently sized for the 1 in 100 years plus 40% climate change event if no materials are stored within the designated areas for surface water storage. Given the areas to be used for surface water storage will also be used for materials stockpiling, it will technically reduce the area available for surface water to be stored. In an absence of a proper surface water storage strategy, the proposed development fails to demonstrate that it will not increase the risk of surface water flooding and is contrary to Policy DM10 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.
- 1.4. On this basis, it is therefore recommended that planning permission be refused.

<b>It is recommended the Committee refuses planning permission for the following summarised reasons (the full reasons are identified in Section 15 of this report):</b>	
<b>1.</b>	The designated surface water storage area will be used for materials stockpiling which reduces the area available for surface water to be stored. In the absence of an acceptable surface water storage strategy, the proposed development fails to demonstrate that it will not increase the risk of surface water flooding and is contrary to Policy DM10 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.

## **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 as it is a major development; such decisions can only be made by the Committee.

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

- 3.1. Hythe End Farm lawfully operates as a waste transfer station and there are a variety of structures and stockpiles that are used in conjunction with the lawful use.
- 3.2. The application site comprises an area of land of approximately 0.52 hectare of the wider Hythe End Farm. The site entrance is located on Hythe End Road which is accessed from the B376 and Feathers Lane to the north of the site. The application site is within the Metropolitan Green Belt and Environment Agency Flood Zone 3B.
- 3.3. The site is not within any designated protected sites. However, it is in close proximity to a number of designated protected areas, including South-West London Waterbodies Special Protection Area (SPA), the Wraysbury & Hythe End Gravel Pits Site of Special Scientific Interest (SSSI), Windsor Forest and Great Park SSSI and Special Area of Conservation (SAC), Langham Pond SSSI, Staines Moore SSSI, Wraysbury Reservoir SSSI and 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 and Colne Brook LWS.

## **4. KEY CONSTRAINTS**

- Metropolitan Green Belt
- Environment Agency Flood Zone 3B – Functional Floodplain

## **5. THE PROPOSAL**

- 5.1. The application site is subject to an Environmental Permit, which requires certain waste including dredging waste taken from lakes and rivers and mixed waste derived from construction and demolition which is not hazardous, as set out in the Permit, to be stored and treated on an impermeable surface with sealed drainage system
- 5.2. The application site currently has a permeable surfacing and therefore it does not comply with the permit requirement. In order to allow the storage and treatment of certain wastes at the application site to fulfil the requirement of the Environmental Permit, this application therefore is seeking to construct an impermeable concrete surfacing and to install the associated surface water drainage infrastructure at the application site.

## **6. RELEVANT PLANNING HISTORY**

- 6.1. Hythe End Farm has a long planning history of sand and gravel extraction and waste operations through a series of planning permissions and certificate of lawfulness granted since 1998.
- 6.2. A certificate of lawfulness (97/75746) was granted in September 1998 for an existing use for the storage and processing of excavated/dredged / builders materials, timber and associated plant and machinery.
- 6.3. In 2005, planning permission (02/82412) was granted for the erection of 2.4m high compound fencing and retention of existing earth bund. Planning application (02/82413) for the erection of new gates and fence, wheel wash and weighbridge with widening of existing gateway and alterations to concrete hard surfacing (retrospective) was refused but was allowed on appeal.

- 6.4. In 2013, certificate of lawfulness (13/00828) to determine whether the existing use of parking and overnight parking of no more than ten 32 Tonne Heavy Goods Vehicles [A Heavy Goods Vehicle is defined as any vehicle with a gross combination mass of over 3500kg requiring a DVLA Class C1, C1, C1E or CE licence] which are road going and taxed vehicles used only in connection with the site as set out under Certificate of Lawfulness 97/75746 [Certificate of Lawfulness 97/75746 is for storage before and after processing and processing of excavated/dredged/builders materials, timber with associated plant and machinery on land east of Hythe End Road] in the area hatched on the attached plan on Hythe End Farm is lawful was refused.
- 6.5. In 2019, planning permission (16/01725/FULL) was granted for the replacement concrete surfacing associated with the lawful storage and processing of waste material, with associated drainage infrastructure and access ramps (part retrospective)
- 6.6. In 2021, planning permission (16/02366/FULL) was granted for the detached building for the maintenance of plant and machinery associated with the storage before and after processing and processing of waste materials which is subject of a certificate of lawfulness dated 09 September 1998 (retrospective). The permission was subject to an appeal against the condition requiring the facility to be completed removed from the application site when it is no longer required for such purposes. The appeal was allowed, and the condition was varied to allow the use of the building in conjunction with the lawful use of the site as a waste processing facility or any other lawful use of the site.
- 6.7. In March 2023, a Section 96A non-material amendment application to planning permission 16/01725/FULL to amend the current Surface Water Drainage Scheme submitted under 19/03545/CONDIT was approved.

## 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
Character and Design of New Development	QP3
Development in Rural Areas and the Green Belt	QP5
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
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
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
Ancillary Development	DM14
Site History	DM15
Sustainable waste development strategy	W1
Safeguarding waste management facilities	W2
Locations and sites for waste management	W4

### Adopted Horton and Wraysbury Neighbourhood Plan 2018-2033

Issue	Policy
The presumption in favour of sustainable development	NP/SUSTDEV01
Management of the Water Environment	NP/SUSTDEV02
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

### 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. 3 occupiers were notified directly of the application and 2 letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	Concerns over the flood risk of the proposed development as it is within Flood Zone 3	Flood risk section of this report
2.	Concerns over highway safety	Highways and Parking section of this report
3.	Concerns over the proposed development which is an inappropriate development within the Green Belt as the development would have an impact to the character of the surrounding countryside.	Green Belt section of this report
4.	Concerns over the existence of Japanese Knotweed at the site	The existence of Japanese Knotweed is not a material consideration of a planning application.
5.	Concerns over the existing bunds with no planning permission.	This application is for the replacement of surfacing and the lawfulness of the existing bunds is not considered to be relevant in this application.

- 9.2. The planning officer posted a notice advertising the application at the site on 14.06.2022 and the application was advertised in the Local Press on 30.06.2022

## Statutory Consultees

Consultees	Comments	Where in the report this is considered
Environment Agency	No objection to the proposed development subject to conditions.	Flood Risk and Environmental Health sections of this report
Natural England	No objection subject to appropriate mitigation being secured.	Ecology and Biodiversity section of this report
RBWM Lead Local Flood Authority	Recommends refusal. The area to be used for water storage will contain stockpiling, which will reduce the area available for water to be stored.	Flood Risk section of this report

## Consultees

Consultees	Comments	Where in the report this is considered
RBWM Ecology	No objection subject to conditions requiring the submission of a construction environmental management plan and an external lighting scheme.	Ecology and Biodiversity section of this report
RBWM Highways	No highways objection but the CEMP stated within the planning statement has not been provided to support this application.	Highways and Parking section of this report
RBWM Environmental Protection	No objection subject to a condition related to construction working hours	Other Matters section of this report

## Others (e.g. Parish and Amenity Groups)

Groups	Comments	Where in the report this is considered
Wraysbury Parish Council	Objecting on the grounds of creating a major flood risk to the surrounding area; Flood Zone 3.	Flood Risk Section of this Report.

## 10. EXPLANATION OF RECOMMENDATION

10.1. The key issues for consideration are:

- i) Principle of Development
- ii) Green Belt
- iii) Climate Change and Sustainability
- iv) Flood Risk
- v) Environmental Health
- vi) Highway and Parking
- vii) Ecology and Biodiversity
- viii) Other Matters

## **i) Principle of Development**

- 10.2. Policy DM14 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that proposals for buildings and/or structures ancillary to minerals processing or manufacturing, or for structures ancillary to the existing minerals or waste operation, will be supported where they are appropriate and located within the development footprint of the existing site. Proposals will need to demonstrate how the ancillary development will benefit the site and ensure a sustainable operation. Development permitted in accordance with this policy will be subject to a requirement that:
- a) it is used only as ancillary to the primary permission of the site; and
  - b) it will only be permitted for the life of the primary permission.
- 10.3. The types of wastes to be handled are regulated by the Environment Agency under the Environmental Permitting regime. Notwithstanding, the site is within the remit of an extant certificate of lawfulness (97/75746), which only allows the processing of certain waste set out in the certificate, including excavated/dredged/builders materials and timber. The certificate was granted prior to the issue of an Environmental Permit (formerly known as Waste Management Licence WML) before 2008. The definition of wastes set out in the certificate is not consistent with the definition of wastes set out under the current EWC code. Notwithstanding, it is considered that the site can only process the type of wastes which is set out in the extant certificate.
- 10.4. This application is seeking to construct an impermeable concrete surfacing and to install the associated surface water drainage infrastructure as the current surface is a permeable surfacing. It is considered that the proposed surfacing will allow certain waste to be processed at the application site, which is currently restricted by the Environmental Permit, to ensure a sustainable waste operation of the wider site.

## **ii) Green Belt**

- 10.5. 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.
- 10.6. 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 also sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, including (b) engineering operations.
- 10.7. The proposed development is seeking to construct an impermeable concrete surfacing and to install the associated surface water drainage infrastructure. The formation of surfacing and its associated drainage facility is considered to be an engineering operation in this regard.
- 10.8. Regarding whether the proposed development would preserve the openness of the Green Belt. The proposed development is entailing the formation of a new hard surface at ground level with only level changes being those required to facilitate the drainage of surface water as part of the required sealed drainage infrastructure. The construction of the new hard surfacing and the associated drainage infrastructure will have some impacts to the openness of the Green Belt, but those works will only be temporary. As the application site already comprises an area of surfacing, it is not considered that the proposed new hard surfacing will have any further impact to the openness of the Green Belt.
- 10.9. Regarding whether the proposed development would not conflict with the purposes of including of land within it, the proposed concrete surfacing and the associated drainage infrastructure is within the existing operational waste site. The proposed development does not involve the construction of any new buildings/structures outside of the existing waste site and it is not considered that the proposed development would result in the sprawl of built-up areas.

10.10. In summary, the proposed concrete surfacing and the associated drainage infrastructure is considered to be an engineering operation which preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, and is therefore appropriate development within the Green Belt.

### **iii) Climate Change and Sustainability**

10.11. 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.

10.12. In December 2020, the Environment and Climate Strategy was adopted to set out how the Borough will address the climate emergency. It is a material consideration in determining this application. The strategy sets a trajectory which seeks a 50% reduction in emissions by 2025.

10.13. 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 assessment 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.

10.14. 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.

10.15. In this case, the proposed development is seeking to construct an impermeable concrete surfacing and to install the associated surface water drainage infrastructure. The proposal is not seeking to introduce any buildings containing floorspace; therefore, it is not considered that the proposed development would fall within the parameters of the ISPS.

10.16. No climate change assessment has been provided as set out in Policy DM2 of the Central and Eastern Berkshire Joint Minerals & Waste Plan to support this application. Notwithstanding, the wider existing site is for waste recycling, which is a preferable form of waste management as it is higher up the waste hierarchy than recovery or landfill. The proposed development would help support the wider waste site the sustainable use of resources and has a positive contribution towards the aims of Policy DM2.

10.17. 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.

### **iv) Flood Risk**

10.18. Paragraph 159 of the NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.



- 10.19. Policy NR1 of the Borough Local Plan 2013-2033 sets out that development will only be supported within designated Flood Zones 2 and 3, 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 needed to be considered.
- 10.20. 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.
- 10.21. Policy NP/SUSTDEV02 of the Horton and Wraysbury Neighbourhood Plan 2018-2033 sets out that development proposals for residential or non-residential development within the areas shown within Flood Zones 2 and 3 as shown on the Environment Agency's Flood Maps will not be supported apart from the one for one replacement of houses and extensions to existing houses up to the limit allowable under the permitted development rights granted by Parts A and E of Schedule 2 of the Town and Country Planning ( General Permitted Development Order) 2015 or such secondary legislation that replaces it. The design and construction of new buildings should have regard to national flood resilience guidance and other relevant policies in the development plan. Additionally, action should be taken where appropriate to improve and reduce the overall flood risk.
- 10.22. This application is accompanied by a Flood Risk Assessment (FRA), which is prepared by JBA Consulting, on behalf of the applicant. The FRA sets out that the application site is subject to a certificate of lawfulness for storage and processing of excavated / dredged building materials, timber and associated plant and machinery and the lawful use of the storage of skips and other containers and therefore it is not compatible with the definition of functional floodplain.

#### Fluvial flooding

- 10.23. According to paragraph 078 of the Planning Practice Guidance (PPG)<sup>1</sup>, functional floodplain comprises land where water from rivers or the sea has to flow or be stored in times of flood. The identification of functional floodplain should take account of local circumstances and not be defined solely on rigid probability parameters. Functional floodplain will normally comprise:
- land having a 3.3% or greater annual probability of flooding, with any existing flood risk management infrastructure operating effectively; or
  - land that is designed to flood (such as a flood attenuation scheme), even if it would only flood in more extreme events (such as 0.1% annual probability of flooding).
- 10.24. The application site is subject to a certificate of lawfulness for various waste storage and processing activities. However, the existing lawful waste operation would not fundamentally alter the functional floodplain designation of the application site. The proposed development is a waste treatment, which is considered to be less vulnerable under the flood risk vulnerability classification. Less vulnerable development should normally not be permitted under Zone 3b.
- 10.25. The Environment Agency has been formally consulted on this application and has raised no objection to the proposed development in terms of fluvial flood risk. The Environment Agency considers that the proposed concrete surfacing would not have a detrimental impact on flood water levels with the current ground levels. The proposed development also will not result in net loss in floodplain storage, and flow paths will also not be impacted.

#### *Sequential Test*

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<sup>1</sup> Paragraph: 078 Reference ID: 7-078-20220825  
Page 9

10.26. A sequential test is required for development in Flood Zone 2 or 3 and no sequential test is provided to support this application. The application site is subject to an extant certificate of lawfulness which allows the site to be operated as a waste processing and storage site. The proposed surfacing with sealed drainage infrastructure is required in conjunction with the lawful use of the wider site as it is to fulfil the requirement of the Environmental Permit. Therefore, it is not reasonable to consider that the proposed surfacing can be located elsewhere, as it is not feasible to seek for an alternative location as it is linked to the planning unit in this regard.

#### Sustainable Drainage

10.27. The Council's Lead Local Flood Authority (LLFA) has concluded that the proposed storage volume will be sufficiently sized for the 1 in 100 years plus 40% climate change event, where there is **no** material stored within the area designated to store surface water. However, the submitted drawing sets out that the area identified for surface water storage will also be used to stockpile materials.

10.28. Policy DM10 of the Central and Eastern Berkshire Joint Minerals & Waste Plan requires waste development in areas at risk of flooding should include site drainage systems designed to manage storm events up to and including the 1% Annual Exceedance Probability (1:100 year) storm with an appropriate allowance for climate change. Given the areas to be used for surface water storage will also be used for materials stockpiling, it will technically reduce the area available for surface water to be stored.

10.29. In order to make sure that the proposed water storage volume can be sufficiently sized, no materials should be stored within the designated water storage area. However, the imposition of a planning condition to restrict the storage of materials within the designated water storage areas would not be enforceable and reasonable in this regard as the only purpose of the proposed surfacing is for materials stockpiling. Therefore, in the absence of a proper surface water storage strategy, the proposed development fails to demonstrate that it will not increase the risk of surface water flooding and is contrary to Policy DM10 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.

10.30. The Environment Agency has raised concerns that some of the engineering solutions of the proposed development are insufficiently robust or durable for the anticipated design life to provide a sealed drainage system. There is a concern over the proposed impermeable sealed drainage system will become continuous with surrounding areas of surfacing. As only a small part of the north-western area of the wider site will be equipped with the impermeable surface and sealed drainage system, it will also be challenging to demonstrate compliance with the requirement for certain waste types to be stored and treated on specified site surfacing. Both the engineering works and the impermeable sealed drainage system of the proposed development should be sensitively designed to ensure that the system is practically functional for its purposes. However, it is considered that the surface water management of the proposed development is regularised under the Environmental Permitting regime. The efficiency of the engineering solutions and the compliance to the Environmental Permit are not material considerations of this planning application.

10.31. The Environment Agency sets out that a reasonable timeframe for installation of the associated surface water drainage infrastructure that forms part of this application should be set out and this should be secured by a planning condition. If the above surface water objection was not outstanding and planning permission were being granted, a pre-operation condition could be used to ensure that the associated sealed surface water drainage infrastructure is installed prior to the operation of the proposed concrete surfacing.

#### **v) Environmental Health**

10.32. 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.

#### Unexpected Contamination

- 10.33. Environment Agency welcomes the proposed development to extend the impermeable surfacing within the north-western section of the site to allow the storage and processing of imported mixed construction and demolition wastes in an area that benefits from impermeable surfacing and dedicated drainage. The previous use of the site as a landfill and for secondary aggregate processing means that soils and groundwater may be contaminated and contamination could be mobilised during construction, potentially polluting controlled waters. It is considered that the issue of any unexpected contamination can be secured by a planning condition.

#### Landfill Gas

- 10.34. Environment Agency sets out that the proposed development is on top of a historic landfill and the proposed changes could result in the nearby community being exposed to odour and landfill gas, where the gas can be toxic and can give rise to long- and short-term health risks. The Agency considers that the changes to the site surfacing will block surface emissions and any landfill gas will migrate towards the perimeter of the new concrete area.
- 10.35. It is considered that appropriate landfill gas assessments should be carried out to identify any potential risks and relevant measures should be fully implemented to address the identified risks. The landfill gas should also be fully monitored regularly. Such details and monitoring plan could be secured by a planning condition and a planning obligation, if planning permission were being granted.

#### Noise

- 10.36. This application is accompanied by a Technical Note, which is prepared by Walker Beak Mason Limited, on behalf of the applicant. The Note identifies that there will be a short-term noise impact during the resurfacing works, but the level of noise generated would be at an acceptable level.
- 10.37. The Council's Environmental Protection Officer has been consulted in this application and raised no objection to the proposed development.

#### **vi) Highways and Parking**

- 10.38. 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 be considered the following matters:
- The acceptability of routing to the site and the impacts on the surrounding road network in relation to capacity and demand, with consideration of committed developments and cumulative impact
  - Road safety
  - Sustainability accessibility
  - Appropriate hours of working
  - Mitigation as appropriate
- 10.39. The Council's Highways Authority has been formally consulted in this application. The Highways Authority has raised no objection to the proposed development subject to a Construction and Environmental Management Plan being provided to support this application.

## **vii) Ecology and Biodiversity**

- 10.40. Policy NR2 of the Borough Local Plan 2013-2033 sets out that development proposals shall be accompanied by ecological reports in accordance with BS42020 to aid the assessment of the proposal. Neighbourhood Plan Policy NP/OE2 of the Horton and Wraysbury Neighbourhood Plan 2018-2033 sets out that development proposals that conserve and enhance biodiversity and comply with other relevant policies will be supported.
- 10.41. The application site is in close proximity to a number of designated protected areas, including South-West London Waterbodies Special Protection Area (SPA), the Wraysbury & Hythe End Gravel Pits Site of Special Scientific Interest (SSSI), Windsor Forest and Great Park SSSI and Special Area of Conservation (SAC), Langham Pond SSSI, Staines Moore SSSI, Wraysbury Reservoir SSSI and 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 and Colne Brook LWS.
- 10.42. The application site consists of a plot of surfacing with piles of crushed concrete set within a wider waste management site which, according to the ecology report (ESL Ecological Services, October 2022), contains a variety of habitats including woodland (a priority habitat), including standing and fallen deadwood (partly on the lower slopes of screening bunds), scrub (wholly on screening bunds), ruderal (wasteland-type) vegetation, a wet ditch, a small area of rough grassland and strips of bare earth/ surfacing (within the active works area). It is surrounded by woodland (including wet woodland), the River Thames (on the western boundary), grassland, and residential properties.
- 10.43. Otter, bats, birds, and stag beetle have all been previously recorded within close proximity to the site. The wider waste management site contains habitats considered to be suitable for use by stag beetle (and other invertebrates), nesting birds, roosting, foraging, and commuting bats, and European eel. There were also signs of use by rabbit, brown rat, fox and muntjac deer (though these are not of conservation concern). The application site itself (within the red line boundary) has negligible ecological value and, as such, it is considered highly unlikely that the proposals would result in any direct impacts to protected or priority species, priority and/or sensitive habitats, or designated areas.
- 10.44. Both Natural England and the Council's Ecology Officer have been consulted on this application. Natural England has raised no objection to the proposed development subject to appropriate mitigation being secured. The Council's Ecology Officer has also raised no objection to the proposed development subject to conditions securing the submission of a construction environmental management plan (CEMP: Ecology) and an external lighting scheme.

## **viii) Other Matters**

- 10.45. The Environment Agency has raised concerns about the viability of operating the proposed concrete surfacing. The Agency considers that there is no information provided in this application to clarify why the proposed surfacing is limited to the red-line boundary instead of the whole north-western area of the site, which is consistent with the Environmental Permit. The Environment Agency sets out that further restrictions may be required to account for the design, the practicality and maintenance that will need to be in place before it can operate within the currently proposed area. It is considered that the viability of operating the proposed surfacing is not a material consideration of a planning application.

## **11. PLANNING BALANCE AND CONCLUSION**

- 11.1. The application site is within Flood Zone 3b the functional floodplain, which is designed to store water from rivers or the sea in times of flood. The proposed development requires sufficient water storage for the 1 in 100 years plus 40% climate change event.

- 11.2. The proposed storage volume would be sufficiently sized for the 1 in 100 years plus 40% climate change event but only if no materials are stored within the designated areas for surface water storage. Given the areas to be used for surface water storage will also be used for materials stockpiling, it will technically reduce the area available for surface water to be stored. The imposition of a planning condition to prevent the designated water storage areas to be used for materials stockpiling would not be enforceable and reasonable in this regard as the only purpose of the proposed surfacing is for materials stockpiling. In an absence of an acceptable surface water storage strategy, the proposed development fails to demonstrate that it will not increase the risk of surface water flooding and is contrary to Policy DM10 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.
- 11.3. To conclude, the proposed development is seeking to introduce an impermeable concrete surfacing with sealed drainage infrastructure to comply with the requirement of the Environmental Permit to handle and store certain waste. Though the proposed development will continue to support the wider site, which is for waste recycling and is a preferable form of waste management as it is higher up the waste hierarchy than recovery or landfill, the weight attributed to these benefits would not either individually or cumulatively, be sufficient to outweigh the other harms that are set out above. On this basis of the foregoing, it is therefore recommended that planning permission be refused.

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

- Appendix A - Site location plan and site layout

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

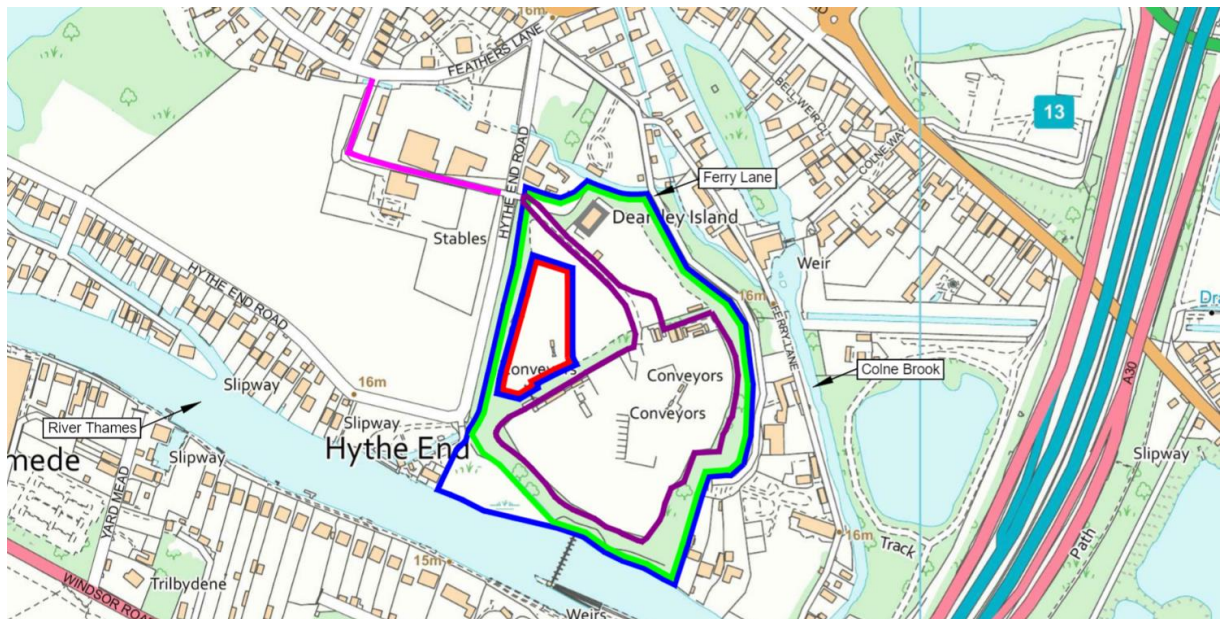
- 1 The designated surface water storage area will be used for materials stockpiling which reduces the area available for surface water to be stored. In an absence of a proper surface water storage strategy, the proposed development fails to demonstrate that it will not increase the risk of surface water flooding and is contrary to Policy DM10 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.

**22/02756/FULL - Fowles Crushed Concrete, Hythe End Farm, Hythe End Road, Wraysbury TW19 5AW**

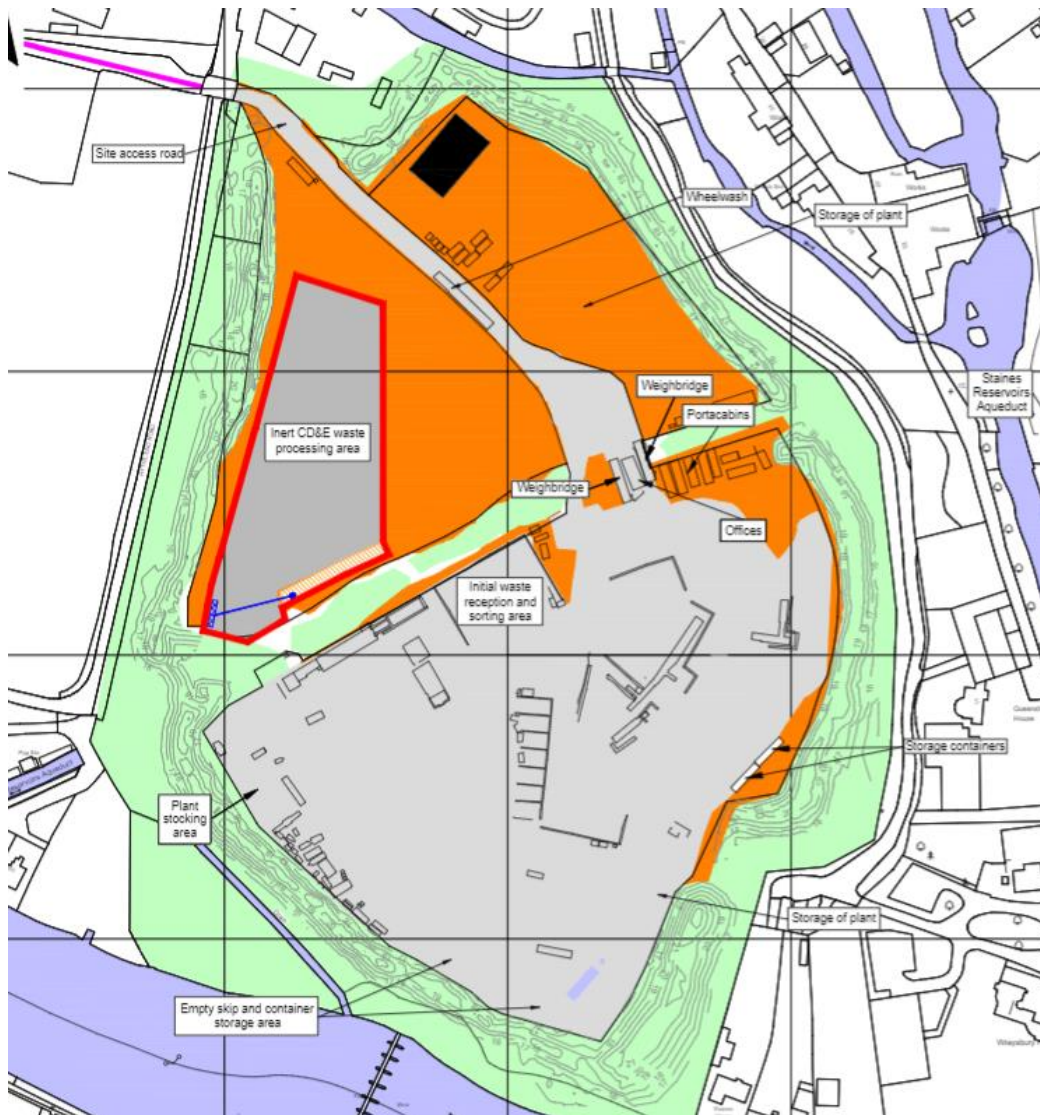
**Appendices**

**Appendix A - Site Location Plan and Site Layout**

Site Location Plan



## Site Layout



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**DEVELOPMENT CONTROL PANEL**

6 July 2023

Item: 2

<b>Application No.:</b>	23/00352/FULL
<b>Location:</b>	The Lawns Nursery, Oakfield First School And Oakfield School Lodge Imperial Road Windsor
<b>Proposal:</b>	Change of use of the existing caretaker's bungalow (C3a) to provide early years pre-learning hub (F1a) with alterations to fenestration, rear terrace, 3no. car parking spaces and alterations to the existing school entrance with 1no. ramp and the creation of two separate entrances to The Lawn Nursery & Oakfield School.
<b>Applicant:</b>	Mr Smith
<b>Agent:</b>	Ms Ling Lee
<b>Parish/Ward:</b>	Windsor Unparished/Clewer East
<b>If you have a question about this report, please contact:</b> Vivienne McDowell on 01628 796578 or at <a href="mailto:vivienne.mcdowell@rbwm.gov.uk">vivienne.mcdowell@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 The proposed change of use of the caretaker's bungalow to provide an early years pre-learning hub is considered acceptable, as it complies with National and Local Plan policy. The alterations to the reception area in the main school building to provide two separate entrances within the main school building for The Lawn Nursery & Oakfield School are also considered acceptable.
- 1.2 The proposal involves the provision of 2no. parking spaces and hardstanding which would be within the root protection area (RPA) of mature tree/s near the site entrance adjacent to Imperial Road. The applicant has been requested to submit an amended parking layout/details to avoid or minimise any adverse impact on the RPA. As the scheme would not result in any increase in the number of staff that would be employed at the site there is no specific requirement for additional parking spaces to be provided.

**It is recommended the Planning Committee authorises the Head of Planning to:**

**Grant Planning Permission subject to submission of an alternative parking scheme/details to avoid or minimise any adverse impact of new hardstanding encroachment into the tree root protection area near the site entrance.**

**OR**

**If satisfactory amended plans and details for an alternative parking scheme (to avoid or minimise any adverse impact of new hardstanding encroachment into the tree root protection area near the site entrance) are not received, refuse planning permission for the reason of potential adverse impact on the mature tree by the site entrance.**

**2. REASON FOR PANEL DETERMINATION**

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application for this proposal as it involves an RBWM school site.

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

- 3.1 The site lies on the east side of Imperial Road. The main vehicular entrance to the application site lies immediately to the south of the caretakers bungalow.

### **4. KEY CONSTRAINTS**

- 4.1 The site is not within the Green Belt and not within an area liable to flooding.

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

- 5.1 The application is described as 'Change of use of the existing caretaker's bungalow (C3a) to provide early years pre-learning hub (F1a) with alterations to fenestration, rear terrace, 3 no. car parking spaces and alterations to the existing school entrance with 1no. ramp and the creation of two separate entrances to The Lawn Nursery & Oakfield School.'
- 5.2 The application proposes the change of use from dwelling (caretakers bungalow) C3a to F1(a) to provide additional learning spaces for an early year pre learning hub as an extension to the existing Lawns Nursery School. The agent has clarified that the early years pre-learning hub will be ancillary to the use of The Lawns Nursery, the provision is essentially for a 'break out' space separate to the main building.
- 5.3 Within the proposed early years pre-learning hub building (existing caretaker's bungalow) there would be a kitchen, office/meeting room, sensory room, another larger room and toilet facilities. The main external envelope and footprint of the bungalow is to remain the same. It is proposed that an existing window located at the rear of the bungalow be replaced with new French doors. This will open out onto the rear garden area and new terrace with artificial grass all of which will be permeable.
- 5.4 The applicant has advised that no additional staff will be employed at the school and there will be no additional pedestrian and vehicular trips. It is understood that the provision of additional car parking spaces as part of this application, is to ease pressure on the existing car park. The agent explains that there is currently is not enough spaces for staff currently employed at the school to park. The submitted plans show 2no. new parking spaces proposed to the side and 1no parking space to front of the bungalow to allow for additional parking.
- 5.5 There is currently a shared entrance/reception areas to the Lawns Nursery and Oakfield School (in the main building). The proposal is to separate the two entrances so that each can be accessed independently. An existing glazed window to the front entrance elevation is to be replaced with a new set of entrance doors (for Oakfield School). The existing ramp has been redesigned to provide level access across to the new entrance with a ramp to the front of the new entrance doors.

#### **History**

- 5.6 No relevant recent history was found.

### **6. DEVELOPMENT PLAN**

**Borough Local Plan: Adopted Feb 2022**

Issue	Local Plan Policy
Character and Appearance	QP1, QP3
Sustainable Transport	IF2, IF5
Trees and Ecology	NR2, NR3
Environmental Protection	EP1, EP3, EP4
Loss of dwellings	HO5
Community Facilities	IF6
Trees	NR3
Nature Conservation and Biodiversity	NR2
Climate Change	SP2

**Adopted Windsor Neighbourhood Plan – policies** DES.01, PAR 02

## 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 8 -Promoting healthy and safe communities

Section 9 – Promoting Sustainable Transport

Section 12 – Achieving Well-Designed Places

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 26 neighbouring properties were directly notified. One letter of concern has been received. Summarised in table below:

Comment	Where in the report this is considered and officer comment.
<p>Concern about the use of fake grass/ astro turf in this planning application. The applicant needs to be mindful of hedgehogs in the local area. I see that the application is already taking garden area from the existing bungalow to provide parking spaces which is removing habitat from them.</p> <p>If a garden area is being provided as part of this application this should be real grass so as not to remove further habitat from the hedgehogs. These lovely creatures are now endangered and we should be doing everything we can to support their continued existence in our urban environments.</p>	<p>See para. 9.22</p> <p>The applicant would be expected to provide bio-diversity enhancements for the site. These can be secured via condition.</p> <p>It is noted that the plans indicate only the new external terrace area (less than 14 sq metres) would be covered in artificial grass. It is not considered to be a reason for refusal.</p>

Consultee	Comment	Where in the report this is considered and officer comment.
Highways	Clarification sought on the whether the building is ancillary to the use of Oakfield First School, or is a stand-alone facility that would attract additional pedestrian and vehicular trips onto the highway network.	The agent has clarified that the early years pre-learning hub will be ancillary to the use of The Lawns Nursery, the provision is essentially for a 'break out' space separate to the main building. They also advise that there will be no additional staff employed at the school.  See paragraphs 9.13-9.22
NatureSpace	No objection	Noted. See para 9.22
Environmental Protection	No objection	Noted

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Loss of residential accommodation
- ii Enhancement of school facilities (BLP policy IF6)
- iii Character, appearance and residential amenity
- iv Trees and parking provision
- v Biodiversity
- vi Sustainability
- vii Planning balance and conclusion

### i **Loss of residential accommodation.**

9.2 Policy H05 seeks to protect the existing housing stock and states:

'2. Development proposals should not result in a net loss of existing dwellings or land that provides for residential uses unless such a loss is justified by specific circumstances. The Council will only support development proposals that would result in the net loss of residential accommodation where one or more of the following criteria are met:

- a. retention of the residential use would be undesirable due to proven environmental constraints
- b. the development proposal would provide an essential community service or another form of residential accommodation.'

9.3 The Borough Local Plan in paragraph 14.14.1 states : 'Community facilities include local shops, meeting places, indoor sports venues, schools, cultural buildings, public houses, places of worship, health care facilities, leisure centres, libraries, day care centres and post offices.'

- 9.4 The proposed use is considered to be a 'community facility' and as such the proposed change of use from school caretaker's bungalow to a nursery hub complies with policy H05 of the Adopted Local Plan.
- 9.5 It is understood that the caretaker's bungalow is currently vacant. It is also acknowledged that the bungalow does not have its own vehicular access such that it can be occupied completely independently from the school. As such, the change of use to a nursery use, would not result in the loss of a completely independent dwellinghouse. This is a material consideration in the assessment of this application.

## **ii Enhancement of school facilities**

- 9.6 Paragraph 95 of the NPPF states: 'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should
- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications;'
- 9.7 Policy IF 6 (Community Facilities) of the Adopted Local Plan states:  
'1. Proposals for new or improved community facilities which meet the needs or aspirations of local residents and visitors will be supported. Where an assessment identifies specific needs in the local area, proposals to meet that local need will be supported when they are located in areas that are accessible by walking, cycling or public transport.'
- 9.8 The applicant has advised that the early years pre-learning hub (Class F1a), will enable the school to provide facilities to cater for nursery pupils with special educational needs SEN facilities. It is understood that the overall number of pupils in the year group would not increase. It is accepted that there is a need for enhanced facilities at the school and that national and local planning policies are supportive of this.

## **ii Character of the area and residential amenities**

- 9.9 Adopted Borough Local Plan policy QP3 requires new development to contribute towards achieving sustainable high quality design in the Borough. Development is amongst other things required to respect and enhance the local, natural or historic character of the environment and safeguard the amenities of local residents. The changes proposed to the bungalow and main school entrance are considered acceptable and would not affect the character of the area.
- 9.10 The proposed plans indicate a small terrace area to the rear of the existing bungalow (proposed early years pre learning hub) and a garden area to the side adjacent to Imperial Road. The nearest residential property is a detached house – No. 39 Imperial Road. The side elevation of No.39 is in the order of 8 metres from the application site boundary. In the side elevation of No. 39 there appears to be a secondary first floor window. There is a conservatory/extension to the rear of No 39. It is not considered that the use of the building as an early years hub would be detrimental to the amenities of No 39. Furthermore, the use of the garden and terrace in connection with the early years pre learning hub is also considered not to give rise to any significant loss of amenity to the occupiers of No. 39 (including noise and disturbance), given that the use of the early years hub garden would be used during the day and given that the property is adjacent to a busy main road. It is noted that the Environmental Protection Team has raised no objection and no comments have been received from No. 39.
- 9.11 The alterations to the main entrance of the school building (i.e. provision of new door and ramp to provide separate reception areas for the school and nursery) would not cause harm to neighbouring properties.
- 9.12 The proposed new hardstanding to provide 2 additional parking spaces to the side of the bungalow would encroach the root protection area of mature tree/s adjacent to the site entrance. The applicant has not submitted a tree survey or arboricultural method statement. The LPA

would seek to resist development which would lead to the decline of the mature tree/s which contribute positively to the verdant qualities and visual amenity of the local area.

### **iii Trees and parking provision**

- 9.13 The Council's Parking Strategy parking requirements for schools and nurseries is 1no. parking space per 1no. full time equivalent staff member. The applicant has advised that there would be no additional members of staff employed at the school/nursery site. It is noted that the parking requirement for the 2/3 bedroom caretaker's house is 2no. parking spaces. The caretaker's bungalow has 2 existing parking spaces at the front of the bungalow.
- 9.14 The application proposes a total of 3no. additional parking spaces. 1 of the new spaces would be alongside the existing spaces at the front of the bungalow.
- 9.15 The application also proposes new hardsurfacing (permeable paving) to provide 2no. new parking spaces next to the front boundary of the site. It appears that these are within the root protection area of a mature tree near the main entrance. The proposed new hardstanding would result in a loss of soft ground. There is an area Tree Preservation Order which covers the school site and the tree in question appears to be right on the very edge of the TPO area. The proposed new hardstanding and 2no. There is also another tree along the frontage which may also be impacted by the new hardstanding. The applicant has not submitted a tree survey or arboricultural method statement. As mentioned above, the LPA would seek to resist development which would lead to the decline of the mature tree/s which contributes positively to the verdant qualities and visual amenity of the local area.
- 9.16 Borough Local Plan Policy NR 3 (Trees, Woodlands and Hedgerows) amongst other things seeks to protect and retain trees, woodlands and hedgerows and extend coverage where possible. Where the amenity value of the trees, woodland and hedgerows outweighs the justification for development, planning permission may be refused.
- 9.17 The applicant has been asked to consider an alternative parking scheme, to avoid parking within a tree root protection area. It is noted that the new use would not involve any new staff members and as such there is no requirement under the local plan policies or guidance for additional on-site parking spaces to be provide.

### **iv Biodiversity**

- 9.18 Policy NR 2 (Nature Conservation and Biodiversity) of the Borough Local Plan states that development proposals will be expected to demonstrate how they maintain, protect and enhance the biodiversity of application sites including features of conservation value such as hedgerows, trees, river corridors and other water bodies and the presence of protected species.
- 9.19 Windsor Neighbourhood Plan Policy BIO.01 (Green and Blue Infrastructure Network) states that development proposals should minimise impacts on biodiversity and provide net gains in biodiversity where possible.
- 9.20 Windsor Neighbourhood Plan Policy BIO.02 (Green Routes) identifies Imperial Road as a Green Route. It states that where development fronts these routes the provision of green boundary treatments with trees, vegetation and soft landscaping to sustain and improve air quality and visual amenity, and the safeguarding, provision and/or enhancement of habitats to facilitate the movement of wildlife will be supported.
- 9.21 The frontage of the application site which contains trees and hedgerows falls within the Green Route. Therefore, the loss of soft ground and potential harm to the mature/s tree through the provision of new hardsurfacing for 2 new parking spaces should be avoided. As mentioned previously the planning officer is seeking the submission of an amended parking scheme.

- 9.22 The proposed terrace with artificial grass would result in loss of soft ground (approximately 14 sq metres). there would be a potential reduction in natural habitats as a result of the development. NatureSpace has raised no objections regarding potential impact on Great Crested Newts. The applicant has been asked to provide details of bio-diversity enhancements for the site.

## **v Sustainability**

- 9.23 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.
- 9.24 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. 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.
- 9.25 As the building comprises approximately 73 square metres, it is below the threshold (of 100sq metres in the ISPS) and therefore there is not a requirement to secure carbon offset contributions.
- 9.26 The ISPS requires 20% of new parking spaces to be provided with EV charging facilities and passive provision (ducting, cabling and capacity with the Mechanical Engineering Services) for the remaining 80% of spaces provided. As discussed previously, the LPA is awaiting the submission of an amended parking layout to scheme (outside of the tree RPA). The originally submitted plans proposed 3 new parking spaces. Given the small number of new parking spaces it is considered rather onerous to impose a condition requiring provision of EV charging point/s.

## **vi Planning balance and conclusion**

- 9.27 It is considered that the proposal would be in compliance with national and local planning policies in relation loss of existing housing, provision of community facilities, and residential amenity. An amended parking scheme could also avoid any adverse impact to the root protection area of the mature tree on the site frontage, and subject to receiving a plan which has an acceptable relationship with the tree the application is recommended for approval.

## **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 change of use and alterations 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 - adopted Borough Local Plan QP3.

3 Prior to the first use of the early years pre-learning hub , full details of biodiversity enhancement measures shall be submitted in writing to the Local Planning Authority (LPA) for approval. The bio-diversity measures (including details of timeframes for installation) shall be installed as approved and shall subsequently be retained in perpetuity, unless otherwise agreed in writing by the LPA. par Reason: To provide a biodiversity enhancement at the site. Relevant policies - adopted Borough Local Plan QP3, NR2.

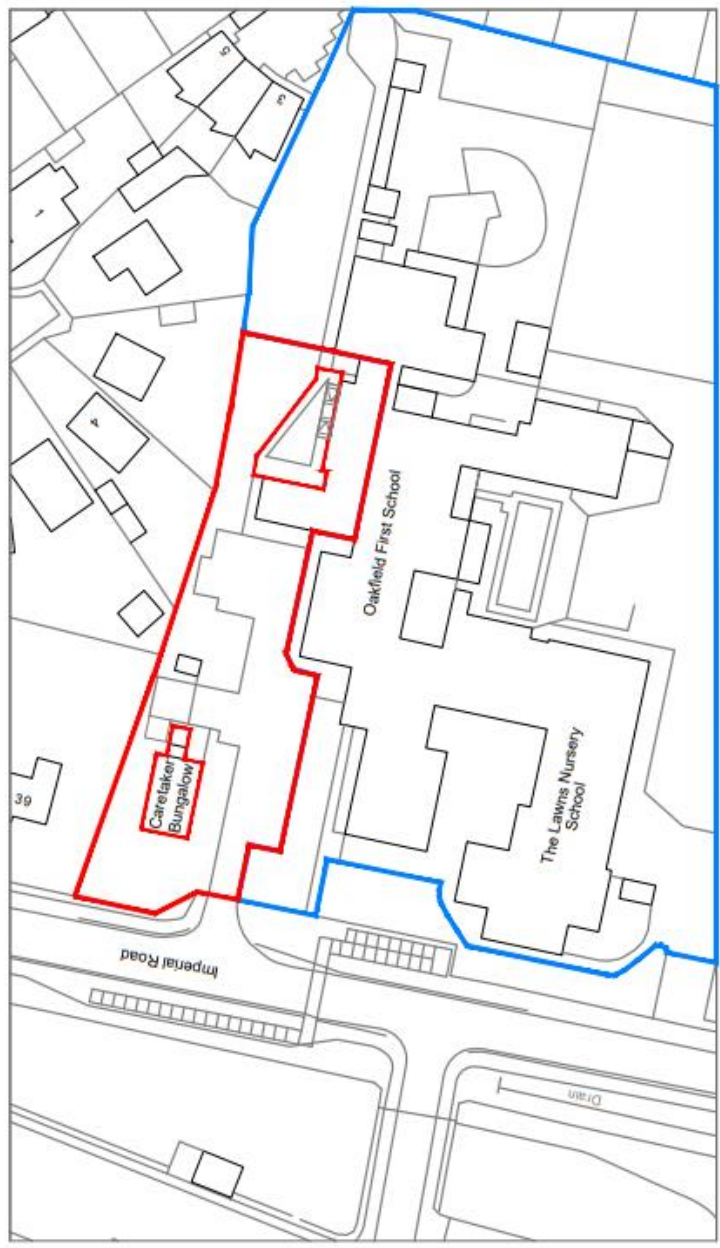
4 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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





APPENDIX A

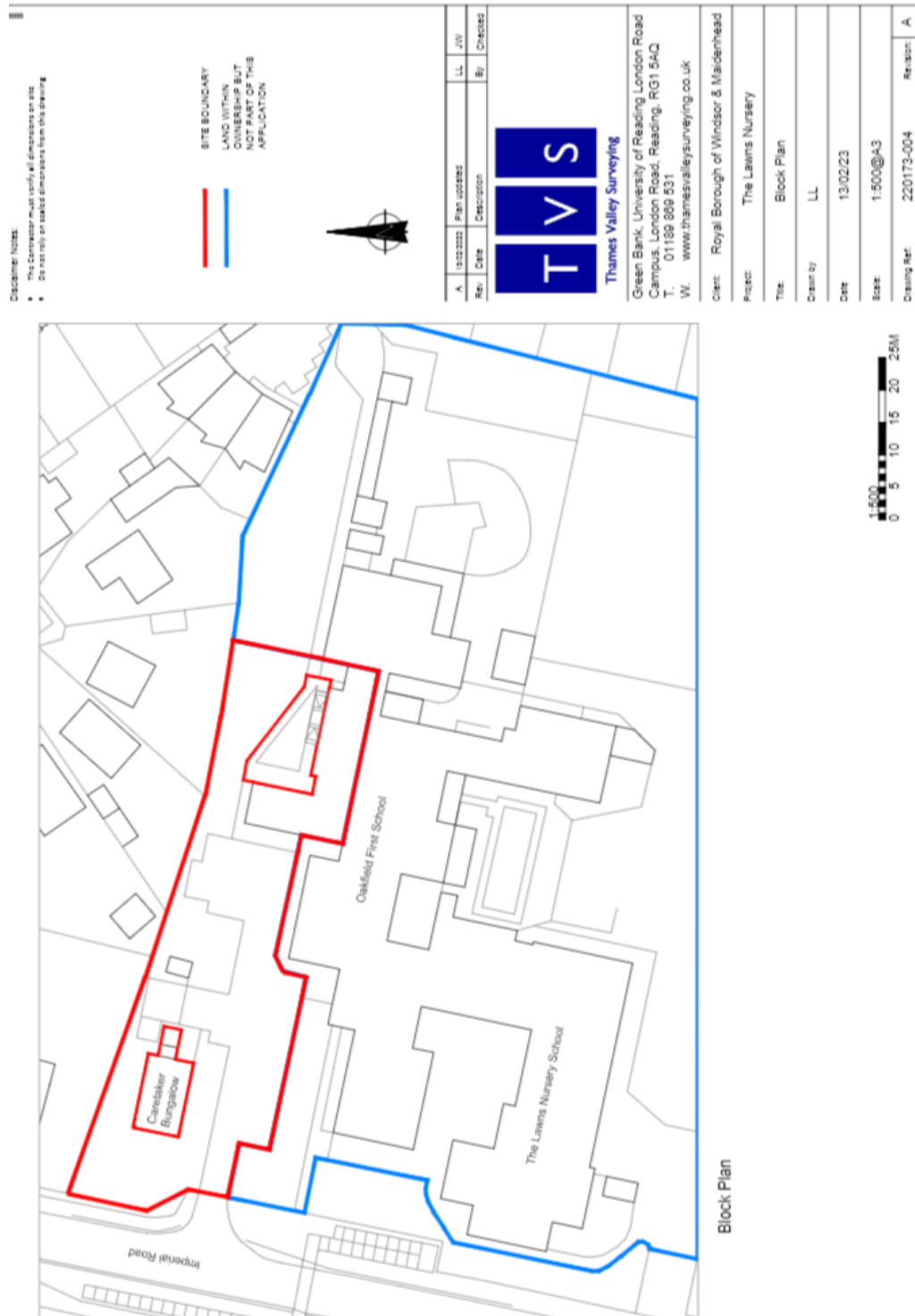


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Location Plan

Application 23/00352/FULL – The Lawns Nursery, Oakfield First School and Oakfield School Lodge  
Imperial Road Windsor

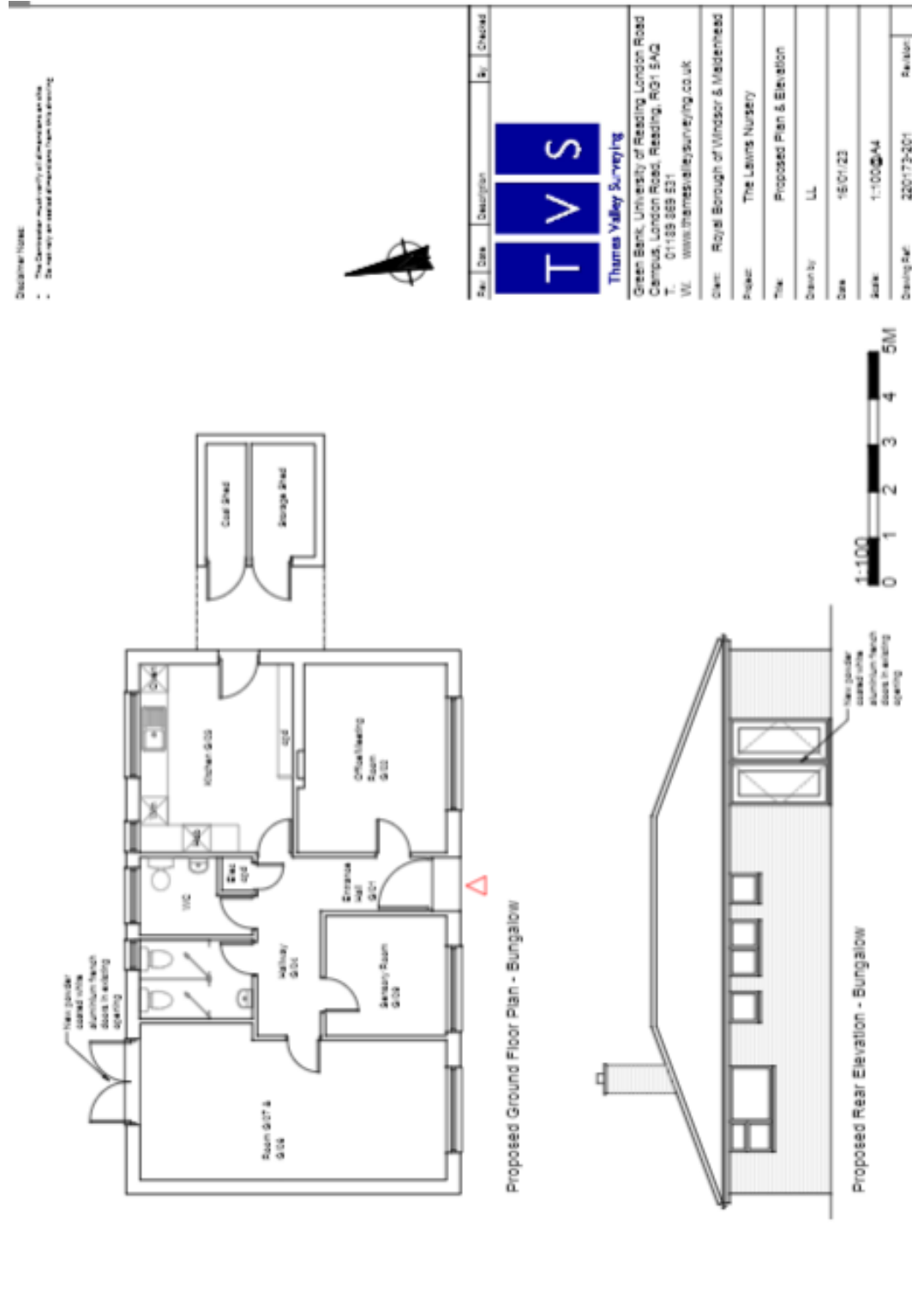
APPENDIX B





APPENDIX B

Proposed

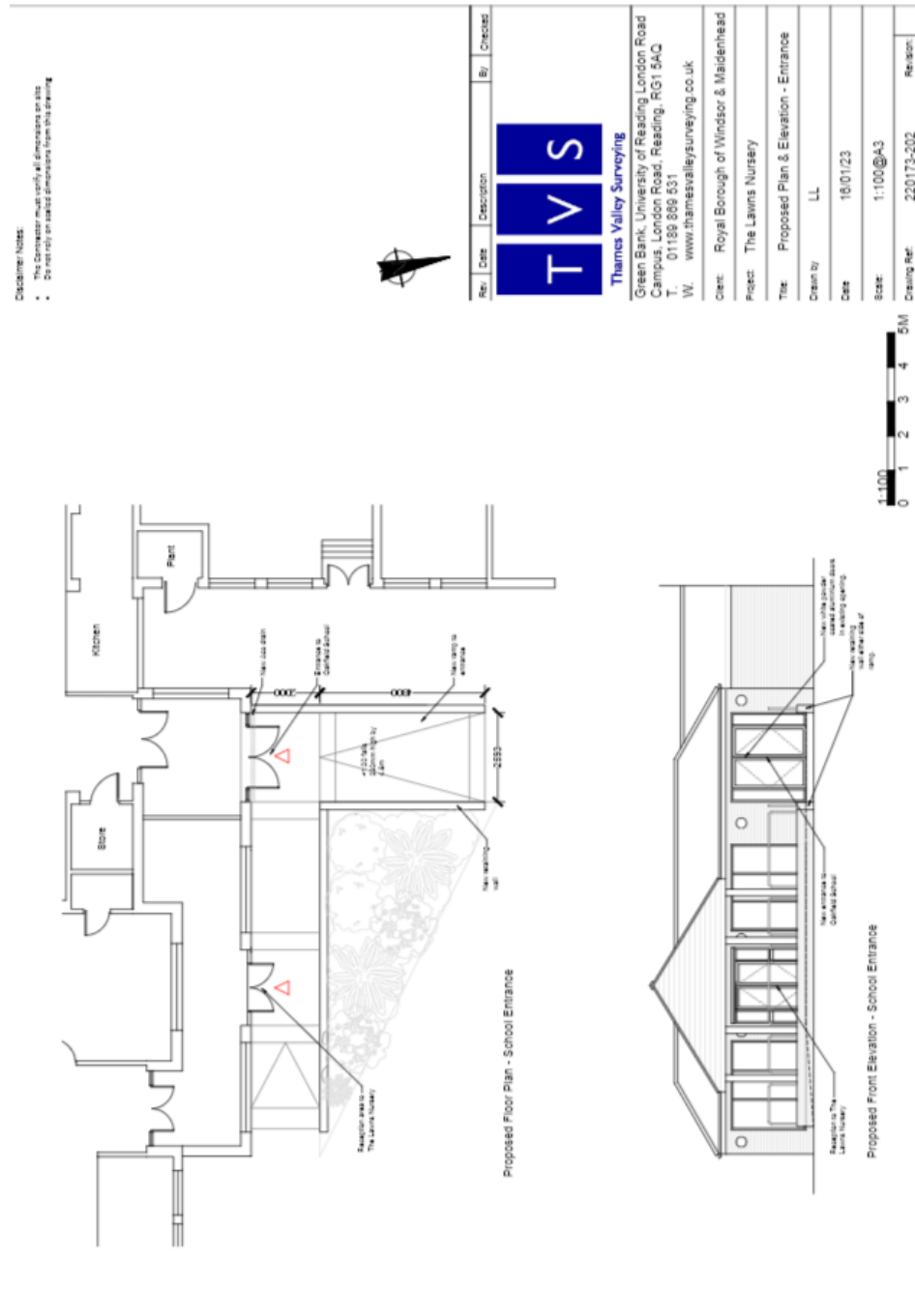




Application 23/00352/FULL – The Lawns Nursery, Oakfield First School and Oakfield School Lodge  
Imperial Road Windsor

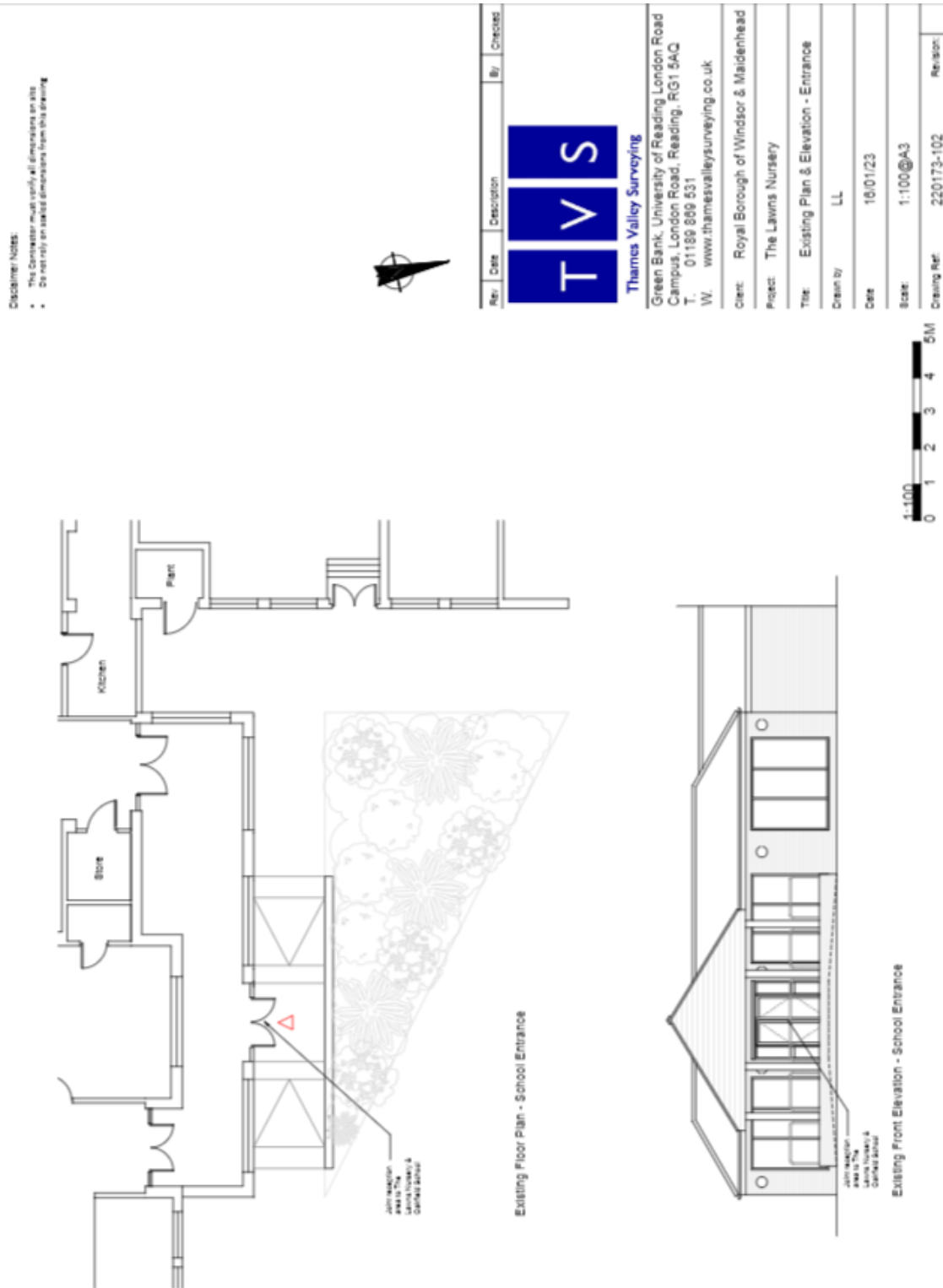
APPENDIX B

Proposed



APPENDIX B

Existing



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## Planning Appeals Received

**26 May 2023 - 26 June 2023**

### 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:** Sunningdale Parish  
**Appeal Ref.:** 23/60050/REF      **Planning Ref.:** 22/03098/TPO      **Plns Ref.:** APP/TPO/T0355/9555  
**Date Received:** 7 June 2023      **Comments Due:** TBA  
**Type:** Refusal      **Appeal Type:** Fast Track Appeal  
**Description:** (T1) Douglas Fir - fell. (014/1999/TPO).  
**Location:** **Heathfield Heather Drive Sunningdale Ascot SL5 0HS**  
**Appellant:** Louise Stabler Heathfield Heather Drive Sunningdale Ascot SL5 0HS

**Ward:**  
**Parish:** Datchet Parish  
**Appeal Ref.:** 23/60053/REF      **Planning Ref.:** 23/00066/FULL      **Plns Ref.:** APP/T0355/D/23/3319109  
**Date Received:** 19 June 2023      **Comments Due:** TBA  
**Type:** Refusal      **Appeal Type:** Fast Track Appeal  
**Description:** Part single, part two storey side extension, 2no. rear dormers, new dropped kerb and vehicular entrance gates. (Part Retrospective).  
**Location:** **92 London Road Datchet Slough SL3 9LQ**  
**Appellant:** J Phull 92 London Road Datchet Slough SL3 9LQ

**Ward:**  
**Parish:** Sunninghill And Ascot Parish  
**Appeal Ref.:** 23/60054/REF      **Planning Ref.:** 22/02316/FULL      **Plns Ref.:** APP/T0355/W/23/3317969  
**Date Received:** 21 June 2023      **Comments Due:** 26 July 2023  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Replacement fence to the front elevation and new pedestrian gate, new front porch, replacement of the rear window with a new door and window and changes to part of the front external finish.  
**Location:** **Virginia Water Lodge Buckhurst Road Ascot SL5 7QA**  
**Appellant:** Mr & Mrs Dagan **c/o Agent:** Mr Thomas Rumble Woolf Bond Planning The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT

**Ward:**  
**Parish:** Sunninghill And Ascot Parish  
**Appeal Ref.:** 23/60055/REF      **Planning Ref.:** 22/02317/LBC      **Plns Ref.:** APP/T0355/Y/23/3317960  
**Date Received:** 21 June 2023      **Comments Due:** 26 July 2023  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Consent for a new front porch, replacement of the rear window with a new door and window and changes to part of the front external finish.  
**Location:** **Virginia Water Lodge Buckhurst Road Ascot SL5 7QA**  
**Appellant:** Mr & Mrs Dagan **c/o Agent:** Mr Thomas Rumble Woolf Bond Planning The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT

# Appeal Decision Report

26 May 2023 - 26 June 2023

## Windsor and Ascot

**Appeal Ref.:** 23/60007/REF      **Planning Ref.:** 22/01610/FULL      **Plns Ref.:** APP/T0355/D/22/  
3312224

**Appellant:** Mr David Tucker **c/o Agent:** Mr Rustem Konakli A1 Planning Portal Flat 1, Roden Court 115  
Hornsey Lane London N6 5EF

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

**Description:** Single storey rear extension and alterations to fenestration.

**Location:** **157 Clarence Road Windsor SL4 5AP**

**Appeal Decision:** Dismissed      **Decision Date:** 15 June 2023

**Main Issue:**

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