

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

15 March 2017

Item: 5

<b>Application No.:</b>	16/03461/FULL
<b>Location:</b>	Ockwells Country Park Ockwells Road Maidenhead
<b>Proposal:</b>	Change of Use of land from agricultural/grazing to Public Open Space.
<b>Applicant:</b>	Mr Mist
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Cox Green Parish/Cox Green Ward

**If you have a question about this report, please contact:** Alex Jelley on 01628 796046 or at [alex.jelley@rbwm.gov.uk](mailto:alex.jelley@rbwm.gov.uk)

**1. SUMMARY**

- 1.1 The proposals would represent an inappropriate form of development within the Green Belt, by virtue of its inappropriateness there is substantial harm. Notwithstanding this harm by reason of its inappropriateness there is no physical harm to openness. The applicant has demonstrated that there are Very Special Circumstances that outweigh the substantial harm – being that the proposals would improve accessibility into the Green Belt and deliver a form of recreational facility that plays a beneficial role within the community. No concerns are raised by consultees in relation to the proposals – and they are considered to accord with all relevant policies.

**It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.**

**2. REASON FOR PANEL DETERMINATION**

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

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

- 3.1 The site consists of approximately 35 hectares of agricultural land to the south west of Maidenhead, located adjacent to Thrift Lane and adjoining Ockwells Country Park – which is a RBWM owned public open space. The site is characterised by minor waterways, ponds, open countryside and woodland. It is within Flood Zones 2 and 3.
- 3.2 Historically the land was utilised by the owners of Thrift Wood Farm – though agricultural uses associated with that farm have recently ceased (and the farm buildings are subject to residential development interest).

**4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 4.1 The proposal is to change the use of the land from agricultural to Country Park – combining it with the existing park to deliver one with an area of 53 hectares. This would be managed as public open space by RBWM, enabling a greater degree of access into the green belt for the general public. At this stage no physical works are proposed on the land.
- 4.2 The site benefits from a clear planning history.

**5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION**

*National Planning Policy Framework*

- 5.1 Section 9 of the NPPF deals with matters related to the Green Belt – including development proposed within it. Green Belt seeks to ensure against urban sprawl by ensuring that no development takes places that would decrease the openness and character of the countryside.
- 5.2 Section 10 of the NPPF deals with matters relating to flood risk and climate change. It establishes a set of criteria by which local planning authorities should determine planning applications and seeks to ensure that development does not result in increased flood risk either within or without the application site.
- 5.3 Section 11 of the NPPF deals with matters relating to the natural environment – including biodiversity and ecology considerations. It seeks to ensure that new development does result in a net loss of biodiversity and, where possible, that a positive contribution is made to improving the natural environment. Specifically, paragraph 109 states that “*the planning system should contribute to and enhance the natural and local environment by...recognising the wider benefits of ecosystem services...[and] and minimising impacts on biodiversity and providing net gains in biodiversity where possible.*”
- 5.4 Paragraph 118 suggests that development proposals where the primary objective is to conserve or enhance biodiversity should be permitted.

#### *Royal Borough Local Plan*

- 5.5 The main strategic planning considerations applying to the site and the associated policies are:

Development in Green Belt	Highways and Parking	Trees	Ecology	Recreation	Flood Risk
GB1, GB2	P4, T5	N6	N7, N9	R8, R14	F1

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

#### **Supplementary planning documents**

- 5.6 Supplementary planning documents adopted by the Council relevant to the proposal are:

- The Interpretation of Policy F1 (Area Liable to Flooding) 2004
- Parking Strategy 2004

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## **6. EXPLANATION OF RECOMMENDATION**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that local planning authorities (LPA) determine planning applications in accordance with an up to date Development Plan and in conjunction with the National Planning Policy Framework (NPPF) and Guidance (NPPG). The key issues for consideration are:

- i Green Belt
- ii Flood Risk
- iii Highways
- iv Ecology

### *Green Belt*

- 6.2 Policy GB1 of the Local Plan suggests that changes of use within the Green Belt could be considered as 'not inappropriate' forms of development. The NPPF, however, supersedes the Local Plan and does not reference changes of use as being a 'not inappropriate' form of development. This was further established in *Fordent Holding Limited v Secretary of State 2103* where the Inspector concluded that the effect of Paragraph 90 of the NPPF was that "*all material changes of use were by definition inappropriate development and ought not to be permitted in the absence of very special circumstances.*"
- 6.3 Paragraph 81 of the NPPF sets out those matters that could be taken into account when determining whether any very special circumstances had been established. It refers to the benefit from using Green Belt for outdoor recreational facilities – as this enables a greater degree of access to open space for people living within urban areas. It also refers to the need to maintain the characteristic openness of the Green Belt. Policy GB1 and GB2 of the Local Plan further back this approach up, by establishing local criteria for developments within the Green Belt to adhere to.
- 6.4 The applicant has demonstrated the benefit to existing communities of this sort of recreational facility, as well as highlighting that the opportunity to extend the existing country park in this fashion enables the creation of the enhanced recreational facility to take place in a way that would not normally occur. The new land will benefit from the facilities available within the existing park (i.e. parking, toilets, etc.). As a result of this the proposals would accord with the scope of Paragraph 81 with respect to maintaining the characteristic openness of the Green Belt and the public benefits derived from the scheme would clearly overcome the harm to the Green Belt. As such there are Very Special Circumstances in this case and the proposed change of use is considered acceptable. A condition should be attached to any approval requiring details of any new paths, bins, lights, benches, or other types of structure so as to ensure that the quantum and design of each respects the need to maintain the openness of the site and wider Green Belt.

### *Flood Risk*

- 6.5 The proposals are for the change of use of the land, and not for any physical development on it. The site falls within Flood Zone 2 and 3, and there is a stream that runs through it on a rough east-west trajectory. The applicant has submitted a Flood Risk Assessment that details how the proposed country park would function in conjunction with the existing Country Park in relation to the management of flood risk. Given that the proposals do not involve any physical development, it is considered that it would not impact on flooding either within or without the site. Though increased accessibility by the public means that more people would come to use land within Flood Zones 2 and 3, this can effectively be managed by appropriate signage. Any flooding of the site would be predictable, and as such it is reasonable to assume that risk from flooding could be avoided. Furthermore, the benefits to the community from the proposed recreational space, along with potential biodiversity enhancements, are considered to outweigh any concerns... The Local Lead Flood Authority was consulted on the application and had no objection to it. As such it is considered that the proposals are in accordance with Policy F1 of the Local Plan.

### *Highways*

- 6.6 The existing Country Park benefits from a suitable form of access to the highway network, as well as appropriate internal arrangements re manoeuvring and parking. The change of use of this land, and its combination with the existing park, will not alter those arrangements no resultant in a development that would require an improved access arrangement. The Highway Authority was consulted on the application and had no objection to it. As such it is considered that the proposals are in accordance with Policies T5 and P4 of the Local Plan, as well as the Parking Strategy SPG.

## *Ecology and Trees*

- 6.7 According to the applicant, an ecological survey of the site has indicated those parts of it with ecological value as well as habitats and those areas with the potential to support protected species. The applicant has outlined how they intend to develop a masterplan for the enhancement of the site's ecological value, as well as how access for the public is to be upgraded. The ecology team was consulted on the proposals, and have indicated that they have no objection. As such, and subject to a condition requiring details of the ecological survey and master plan, it is considered that the proposals would accord with the requirements of Policies N6, N7 and N9 of the Local Plan.
- 6.8 The Tree Team has indicated that a tree survey has been undertaken which, alongside the approach proposed regarding a masterplan, leads them to have no concerns regarding the proposed change of use. As per the discussion above ecology a condition will be attached to any approval requiring full details to be submitted to, and approved by, the local planning authority prior to any development taking place.

## *Land Contamination*

- 6.9 The Environmental Protection team was consulted on the application and raised no objection to it having checked the contaminated land database. It is considered that the proposals do not pose any threat from an environmental health perspective.

## **7. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

20 occupiers were notified directly of the application. No responses were received.

The planning officer posted a statutory notice advertising the application at the site on 28/11/2016 and the application was advertised in the Maidenhead & Windsor Advertiser on 24/11/2016.

### **Statutory consultees**

Consultee	Comment	Where in the report this is considered
Highways	No Objection	Paragraph 6.6
Environmental Protection	No Objection	Paragraph 6.9
LLFA	No Objection	Paragraph 6.5

### **Other consultees**

Consultee	Comment	Where in the report this is considered
Ecology	No Objection	Paragraph 6.7
Trees	No Objection	Paragraph 6.8

## **8. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan and site layout

## 9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1 The development hereby permitted shall be commenced within three years from the date of this permission.

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

2 Prior to the commencement of the use hereby permitted, a masterplan shall be submitted to and approved in writing by the local planning authority. This document shall specify all physical alterations proposed on the site, how the ecological survey, tree survey and flood risk assessment have been incorporated into the management plan. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the development is in accordance with adopted Policies.

3 Prior to the commencement of the use hereby permitted, an ecological survey shall be submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the development is in accordance with Policy N9 of the Local Plan.

4 Prior to the commencement of the use hereby permitted, a tree survey shall be submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the development is in accordance with Policy N6 and N7 of the Local Plan.

5 The development hereby approved will be undertaken in accordance with the submitted Flood Risk Assessment.

Reason: To ensure that the development is in accordance with Policy F1 of the Local Plan.