

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

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

19 July 2017

Item: 1

Application No.:	17/00045/FULL
Location:	The Moorings Willows Riverside Park Windsor SL4 5TG
Proposal:	Upgrade and renewal of existing services to the moorings, replacement of existing electric hook-up and water points, mooring bollards, upgrading of black and grey water drainage system with bespoke drainage system and replacement of sheds.
Applicant:	Haulfryn Group Ltd
Agent:	Mr Jeremy Lambe
Parish/Ward:	Bray Parish/Clewer North Ward
If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application comprises several elements, including engineering operations, replacement sheds, and above ground facilities. Some elements are considered to be appropriate development within the Green Belt, but part of the scheme is not, and so for that reason the whole scheme is classed as inappropriate development. The development is considered to result in a limited impact on the openness of the Green Belt.
- 1.2 The development is considered to have an acceptable impact in terms of flood risk, upon protected trees and on the character of the area. There are considered to be Very Special Circumstances (VSC) (in that the development will modernise facilities and help improve the visual appearance above existing facilities), and this VSC is considered to outweigh the harm to the Green Belt identified.

It is recommended the Panel defer and delegates authority to the Head of Planning to grant planning permission with the conditions listed in Section 9 of this report subject to the submission of an updated ecology survey which raises no new material issues.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Pryer for the reason that it is in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site relates to land within Willows Riverside Park, to the north of the existing dwellings on the site, next to the river. The land within the application site consists of a grassed area, and footpath (not a public right of way) and high quality principle landscape trees. The trees growing on the site are subject to tree preservation order TPO 17/1995. The application site is situated within the designated Green Belt.
- 3.2 The application site is situated within the flood zone 2 and 3a.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application seeks planning permission for the upgrade and renewal of existing services to the moorings, replacement of existing electric hook-up and water points with standard Marine Service bollards, new mooring bollards, upgrading of black and grey water drainage system with bespoke drainage system and replacement of sheds to provide for covered wheelie bin storage.

- 4.2 The mooring bollards would be placed on the on the river bank and would replace the existing brackets and mooring bollards which are up to one metre in height. The new mooring bollards would be 200 mm in height. The applicant advises that mooring bollards are moveable to accommodate various lengths of boats and would be positioned on the camp-shedding on the river bank.
- 4.3 The application proposes new Marine Service Bollards in place of existing services 'hook-up' boxes are located along the river bank approximately 3m to 4m away from the edge of the river. The existing hook-ups consist of square plastic / polypropylene boxes located on steel posts up to 1.2m above ground level. The proposal shows 15 new service bollards which would range in heights of between 1.2-1.3 metres in height.
- 4.4 The plans also show a new trench with electrical, mains water, and to and internet supply to be provided on the bank next to the river. This would run below ground level. The plans also show a foul drainage inspection chamber and pump chambers.
- 4.5 The plans depict that 7 of the existing metal storage bins would be replaced by a timber bin stores. There are no changes shown on the plans in respect of the other metal storage units on site.

Ref.	Description	Decision and Date
91/01625 /FULL	Continued use of riverbank for thirty three residential and leisure boat moorings. This permission was subject to two conditions which stated: " <i>This consent shall apply only to the mooring of traditional boats or houseboats being capable of navigation by an independent integral means of propulsion</i> " and " <i>no more than thirty three boats shall be moored at the site at any one time</i> ". The reason for these conditions was to protect the visual amenities of this riverside site which is located within the Metropolitan Green Belt.	Granted Permission 11.02.1992
15/01833 /FULL	Replacement of 33 residential and leisure boat moorings with 13 houseboat moorings for the siting of 13 houseboats together with associated services/storage/bin stores/parking landscape and environmental improvements	Withdrawn on 10 th December 2015

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections

Green Belt- Paragraphs 80, 81 87, 88, 89, 90

Flood risk- Paragraph 100

Design- Paragraphs 57, 58

Biodiversity- 109 and 117

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

Green Belt	Character of area	Trees	Flood Risk
GB1, GB2	DG1, N2	N6	F1

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Supplementary planning documents

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

- The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 2004

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Acceptable impact on River Thames corridor	SP4
Manages flood risk and waterways	NR1

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Proposed Submission Document was published in June 2017. Public consultation runs from 30 June to 26 August 2017 with the intention to submit the Plan to the Planning Inspectorate in October 2017. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Green Belt;
- ii Flood Risk;
- iii Impact on trees
- iv Character of area
- v Ecology

Green Belt

6.2 The application proposes a number of elements, some of which are considered to be appropriate forms of development within the Green Belt, and some inappropriate within the Green Belt.

Appropriate forms of development in the Green Belt

6.3 The proposed electrical, mains water supply, foul water drainage, and below ground pumping station are all considered to constitute engineering operations, which provided that they preserve the openness of the Green Belt constitute appropriate development, as per paragraph 90 of the NPPF. In this case, as the proposed service runs, pumping station and foul water drainage are below ground, these would preserve the openness of the Green Belt.

- 6.4 Seven of the existing metal storage sheds are proposed to be replaced with timber stores to accommodate bins. The replacement stores would be taller than the existing sheds by 30- 40 cm, however, they would be smaller in width by circa 40cm. The new bins would also be shallower by circa 60 cm than the existing storage sheds. Although the new stores would be taller than the existing sheds, they would also have smaller footprints than the existing stores, and as such it is not considered the replacement sheds would be materially larger. This element would accord with paragraph 89 of the NPPF.
- 6.5 The application also proposes new mooring bollards and new marine service bollards. They would be considered facilities for the purposes of paragraph 89 of the NPPF, however, under paragraph 89 the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, are appropriate, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. In this case, under planning permission 91/01625/FULL the moorings are for residential and leisure. As such, not all of the new bollards will be used purely for outdoor recreation purposes, and so they would not constitute appropriate development within the Green Belt under paragraph 89 of the NPPF.
- 6.6 As part of the scheme is inappropriate development, the whole scheme is considered to be inappropriate development in the Green Belt. Such development should be refused unless a case of Very Special Circumstances can be made which outweighs the harm to the Green Belt, and any other harm. Substantial weight should be given to any harm to the Green Belt.

Impact on openness of the Green Belt

- 6.7 In this case, the replacement bin stores are not considered to be materially larger than the existing sheds and so would not have a harmful impact on the openness of the Green Belt. With regard to the mooring bollards, there would be 45 low level mooring bollards (20cm high) proposed to replace the mooring fixings which currently exist. These would exist instead of the steel brackets (approximately 1.0m in height), angled iron posts and bollards that are currently utilised. In terms of openness this element is considered to be an improvement of the existing situation.
- 6.8 With regard to the new marine service bollards these would replace the existing services 'hook-up' boxes (there are approximately 25) which are circa 1.2 metres in height. These would be removed. The 15 marine service bollards would be 1.1- 1.3 metres in height. The new service bollards would be more substantial than the existing hook up boxes, but there would be less of them across the site. As there would be less of these, but they are more substantial in size, it is considered that they would have a limited impact on the openness of the Green Belt. It is considered that the proposed development (as a whole) would have a limited impact on the openness of the Green Belt.

Flood Risk

- 6.9 The application site lies within Flood Zone 2 (medium risk) and 3a (high risk) defined by the Environment Agency Flood Map as having a medium and high probability of flooding, this is also shown on the maps within the Council's Strategic Flood Risk Assessment (published June 2017). National Planning Policy requires the Sequential Test to be applied (demonstrate that there are no other sites at a lower risk of flooding which could accommodate the development) is passed. The Flood Risk Assessment sets out that as the proposal is related to upgrading and replacing current services on site there are no other locations which the proposals could be considered. The development will be at the River Thames at this location out of necessity, as this is where boats are permitted to moor. It is agreed that the development is required to serve the residential and leisure moorings, that the development has to take place in this location, and as such the Sequential Test is passed.
- 6.10 As the development would fall into water compatible development, according to the Flood Risk Vulnerability Classification table in the NPPG there is no requirement for the Exceptions Test to be applied.

- 6.11 In respect of the flood risk, the development is not considered to increase flood risk to others. The replacement bin stores would have a smaller footprint than the existing storage sheds. The FRA sets out that it is recommended that the bollard configuration on each mooring is set so that the cable termination point is set above 21.61mAOD (1 in 100 year flood +35% climate change allowance). The measures within the FRA can be secured by planning condition (see recommended condition 5).

Impact on trees

- 6.12 The trees growing on the site are subject to tree preservation order TPO 17/1995. The trees make an important contribution to the character of the area.
- 6.13 Amendments have been made to the plans for the underground services and inspection chamber to be re-sited to avoid the root protection areas of trees where possible. Subject to planning conditions to secure a method statement for undertaking the development, the scheme is considered to have an acceptable impact on protected trees. (see conditions 6,7 and 8).

Character of area

- 6.14 The proposed timber bin stores and bollards (marine service and mooring bollards) are considered to be acceptable within the river setting of this site where it is expected for boats to be moored. The development is considered to have an acceptable impact upon the character and appearance of the area, and setting of the Thames.

Ecology

- 6.15 An ecology survey was undertaken at the site in March 2015 in support of a previous application. The survey undertaken includes the current application site boundary. However, the surveys are almost two years old and if the development does not commence before the end of 2017, the Council's ecologist has recommended that the surveys are updated. It is considered that the applicant should do an updated ecology survey before the application is determined (should planning permission be granted). On the receipt of a satisfactory ecology survey, certain conditions relating to ecology/biodiversity may be necessary and advice from the Council's Ecologist will be sought; such conditions will be added through the delegated authority.

Other considerations

- 6.16 Concern is raised by the occupier of number 41 Main Road over the bin store and foul water drainage pump causing harm to residential amenity. The bin store is not considered to cause harm to neighbouring residential amenity. The plans show 3 pump chambers along the bank of river; these are not in very close proximity to residential properties, however, a condition can be imposed to secure details of the method/mitigation to ensure any noise is to an acceptable level (see condition 3). The proposed foul water inspection chamber would be close to some residential properties on the park, however, this would be below ground and measures could be implemented mitigate noise to an acceptable level (so as not to breach any noise standards covered by Environmental Protection).
- 6.17 The lack of community consultation before the application was submitted is not a reason to refuse the application.
- 6.18 It has been questioned why an upgrade of services is required, however, this is not relevant to the planning assessment.
- 6.19 It would not be reasonable or necessary to impose a planning condition specifying floating homes cannot utilise the upgraded services. The original planning permission for the residential and leisure moorings and its conditions is still valid and should be complied with.

- 6.20 Concern is raised over the loss of amenity land for residents at Willows. There is no local plan policy that would control the amount of amenity space. Any stipulations in the licence for the park cannot be considered under the planning assessment. Notwithstanding this, this proposal would not remove the grassed area by the river.
- 6.21 Concern has been made about sewage leaking into the river; however, the Environment Agency has not raised an objection over the risk of pollution from the proposed sewer run. Thames Water is not a statutory consultee on the planning application.
- 6.22 It is not relevant to the planning assessment why boats require bin stores, however, given that the land has planning permission for residential and leisure moorings it would seem reasonable for bin stores to be provided. The fire risk associated with the proposed material is not relevant to the planning consideration.
- 6.23 It is stated that the application is lacking in conditions attached to the plans to ensure control of certain aspects. This is not necessary; the Local Planning Authority will impose planning conditions that meet the tests in the National Planning Practice Guidance (in that they are necessary; relevant to planning and to the development to be permitted; enforceable; precise and; reasonable in all other respects).
- 6.24 In respect of residents of Willows Riverside being able to fish, this is a private matter and not relevant to the planning assessment. The place of the marine service bollards will not restrict residents to access the river.
- 6.25 Comment is made about some residents paying a premium for a riverside plot; this is not a relevant to the planning consideration.
- 6.26 The application is not proposing to remove the seats that exist.
- 6.27 Whether or not the upgrades to the services are essential would not necessarily constitute part of the Very Special Circumstances.
- 6.28 If the developer undertakes works which causes damage to other property, the developer is responsible and the matter will need to be resolved privately.
- 6.29 The application contains plans showing the proposed replacement sheds. Details of the below ground pump have been provided.

Planning Balance and the Case of Very Special Circumstances

- 6.30 In this case the development is considered to be inappropriate development in the Green Belt, which is by definition harmful. The development is considered to have a limited impact on the openness of the Green Belt.
- 6.31 The applicant has put forward that the proposal represents an improvement to the visual amenity of the Green Belt with the removal of numerous bollards, fixing posts, structures, service connection points, aerial posts, lights, wheelie bins and associated paraphernalia located on the river bank. This will significantly tidy up the appearance of the river bank, the setting of the River Thames and reduce the sprawl that has previously occurred.
- 6.32 The applicant further set out that the proposed services and infrastructure are far less obtrusive than the existing situation at the Moorings. There will be a reduction from approximately 100+ mooring fixings, posts and bollards, this number will be reduced to 45 low level purpose designed timber mooring bollards which are 200mm in height and 110mm in diameter. The replacement of all electric hook-up boxes and water point connections with purpose designed marine service bollards located adjacent to the camp shedding on the river bank will also be a visual improvement with the removal of pipework and cabling running across the surface of the river bank.

6.33 The Local Planning Authority accepts this position. It is also taken into account that only one element proposed under this scheme is deemed to be inappropriate development within the Green Belt, and the other development would be appropriate development. Given that this site has planning permission for residential and leisure moorings, it is considered reasonable to expect the operator/owner to upgrade facilities to serve boats that use these moorings. Given that the mooring service bollards(which is part of the development deemed to be inappropriate) are a facility that is reasonably expected for use by residential or leisure boats, and this is in connection with a lawful use at the site. On the basis that the updated ecology survey identifies that there would be no harm to ecology as a result of the proposed development, it is considered that the above represents Very Special Circumstances that outweighs inappropriate development in the Green Belt, and the limited harm to the openness of the Green Belt.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

7.1 277 occupiers were notified directly of the application.

7.2 The planning officer posted a site notice on the 12th January 2017.

7.3 A number of the objection letters received refer to the floating home moored on site at present, and the belief that the upgrading of the moorings to ultimately cater for more of the floating homes. It should be acknowledged that it is not for the Local Planning Authority to anticipate what the applicant may or may not do. This planning assessment can only considered whether the proposal put forward under the planning application is considered acceptable or unacceptable on planning grounds.

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

Comment		Where in the report this is considered
1.	The structures on the river would result in an unacceptable impact on the landscape and result in encroachment.	6.14
2.	The replacement sheds should be in a cluster, rather than in a line across the bank of the river. They should also be in a camouflage finish so they blend in.	6.14
3.	The installation of the bespoke drainage system involves flexible piping. The EA made strong concerns about the system in respect of raw sewage going into the river.	See response from the EA in table below.
4.	If they decide to install mooring bollards into the river bed to stabilise the new installation this could affect flooding conditions.	6.9-6.11
5.	Object to the houseboats which the applicant wishes to moor- they will have an adverse impact on character and appearance of the area.	7.3
6	Since the previous application for floating homes was withdrawn, the applicant has moored a floating home on site- questions if this is legal.	7.3
7	Supports the tree officer concerns over the application.	6.12-6.13
8	If the applicant does not have permission for the floating homes, why do they need a sewage system?	6.18
10	Asks that is planning permission is granted that a condition is put on to prevent floating homes to reinforce the floating homes cannot use these services and that existing floating homes are removed.	6.19
11	Will the mooring bollards result in flooding?	6.9-6.11
12	More boats will require more parking spaces to be provided	7.2
13	Concerns over drainage	6.9-6.11
14	Access for emergency service vehicles should be provided.	7.3
15	Feel that allowing this application will be a precursor to permitting floating homes in the future.	7.3

16	This proposal seems to be similar to the scheme which was previously withdrawn when a number of groups objected to it.	7.3
17	There is intention to erect further 7 wooden sheds along the riverside which are not shown on this application; this is puzzling- there is a current ban by this company on residents not being allowed to erect wooden sheds because of fire risk.	6.22
18	Waste bins and sheds will destroy the view of the river.	6.14
19	The number of mooring bollards and their positioning is not given.	4.2
20	The Willows is 15.25 acres in total of which 10% should be made over to residents for use as park amenity area as per the operator's licence issue by the LA. The site is currently below the required amount stipulated in the site licence.	6.20
21	The raw sewage will leak out into the river	6.21
22	This is flood zone 3. Are the moorings designed to cope with rapidly flooding river? What will happen to all the services, sewage, electric, water, connected to the mooring?	6.9-6.11
23	I cannot find any plan or explanation about the sheds that will replace the existing ones. There is documentation about the bins enclosures that will replace 7 sheds, but nothing about the replacement of others. Same for foul system or pump. Want details on measurements, material etc..	Information has been submitted.
24	Plans are not adequate to show nature of new mooring facilities.	4.2-4.3
25	These plans are identical to the previously withdrawn scheme, aside from the omission of the floating homes.	7.2
26	Application should be deferred until more information is received.	Noted.
27	The upgrade and renewal of services is completely inappropriate and unnecessary for traditional boat moorings.	6.18
28	The proposed upgrade will require the digging of trenches along the currently designated amenity area for residents at the Willows Riverside Park to allow for the installation of water, electricity and BT cables. I believe no impact assessment has been undertaken for the protected trees. It will also cause disruption wildlife.	6.12-6.13 and 6.15
29	Question the ultimate intent of this scheme.	7.3
30	It will impact on the amenity space by the river, which is important to residents who are elderly or vulnerable.	6.20
31	There appear to be no conditions attached to the plans to prevent excessive noise from pumping stations, to ensure the privacy of residents; to protect the views of the river and its openness, to avoid parking problems, to ensure that sheds to house the waste bins are kept clean to prevent them from becoming infested by rodents, to prevent excessive noise if the boats are used as holiday 'get aways'	6.23
32	Why do boats need sheds, they have no gardens?	6.18
33	A sequential test has not been undertaken.	6.9
34	The EA needs to be engaged on this application.	See comments from the EA
35	The application should be rejected as it fails to provide sufficient details, plans and designs. Many points only appear as a small comment on a plan but without any further mention or information to substantiate them. For instance: details about the trench, design for the proposed sheds, information about foul systems, pump, etc	Noted. It is considered there is sufficient information to determine the application.

36	<p>The scale of the proposed development far outweighs any potential “environment improvements” as the reduction of grey/black water would be small considering the reduced number of moorings on this site.</p> <p>Therefore, this is an inappropriate development within the Green Belt (policies GB1 and GB2) and permission from the Environment Agency for proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Thames is required.</p>	6.30-6.33
37	<p>Local policy states that neighbouring communities and residents, who are likely to be impacted by the application, should be consulted but once more this has not happened.</p>	See 6.17
38	<p>The design for the proposed bins enclosure does not clearly show if it will be covered or not. Who will be responsible for cleaning it and putting it on the road for rubbish collection it. If these are not emptied often or kept dirty, it will smell and create an environment propitious to rats and germs on the riverfront. These are likely to have an adverse impact on the houses nearby.</p> <p>- Combustible material used in bin enclosures</p>	This is not relevant to the planning assessment.
39	<p>The mooring licence is for 33 BOATS residential and leisure BOAT moorings”. In my view, the continuous use of the work “houseboats” aims to create confusion.</p>	The description of the original planning permission is clear.
40	<p>Deliberately, the pictures show the worst of the moorings as they were 2 years ago, before the eviction of the boaters. This is what I understood to be the “residential paraphernalia” continuously repeated in the document. No improvements to the moorings can prevent this from happening. This is controlled by the mooring rules set by the park management and it is up to them to ensure they are followed.</p>	Noted.
41	<p>The layout seems to indicate that 13 marine bollards will be placed on the moorings. This seems to indicate a reduction of at least 20 residential/leisure boat as opposed to 33 stated in the mooring licence. This contravenes one of the EA objectives and objection to the application 15/01833/FULL (see below)”.</p> <p><i>“There is a shortage of moorings on the non-tidal River Thames. We understand that to enable the potential development to take place the applicant has evicted 20 residential boats and 13 leisure boats. The loss of this number of official moorings in an area where there is such a shortage is very significant. This is not supported within policy 18, section 10.3 of the Thames Waterways Plan 2006-2011.”</i></p> <p>2. The fishing area reserved for residents seems to have disappeared</p>	See comments from the EA in table below.
42	<p>The fishing is an amenity available to residents and which is used to attract residents to the park. However, it seems to have been taken over by moorings as marine bollards are proposed to be installed in this area.</p> <p>I would request that in the unlikely event of this application being approved, it should include a condition to “protect the green amenity and fishing areas reserved for park residents from any development as they are among the facilities provided to park residents”.</p>	6.23

43	There are many “features” proposed in the site layout which are not described or explained anywhere else such as a “chamber” on the western side of the moorings.	The description is considered accurate.
44	The size proposed for the mooring bollards is inconsistent, i.e. in one place it says 200mm and in another 500mm. Which one is correct?	4.2
45	Replacement storages and bin enclosures are bigger and bulkier than the current metal sheds and will do nothing to reduce or maintain the openness of the Green Belt (in this case, area is not a good measurement to be used). It will be the opposite.	6.7
46	if this application is approved, my house will be surrounded by a “chamber”, bin enclosures, sheds and 2 Foul systems near my garden. I do not fully understand what these are, but I am really concerned about the adverse impact they might have on my house and the risk of ground contamination	6.16
47	There are people in the park who have paid extra to a riverside plot.	6.25
48	The seven sheds intrudes into the amenity area	6.20
49	The existing amenities were acceptable for the traditional boats that were previously moored here (before they were evicted)- don't therefore see why this upgrade is required.	6.18
50	Development is inappropriate in the Green Belt.	6.2-6.8
51	The risk of ground and water contamination in the event of a flood is high as sewage will be installed in a trench alongside river bank in flood zone 3.	6.21
52	The application shows 13 marine bollards- does this indicate 13 floating homes are still planned?	7.3
53	Too many large sheds and bin stores on the bank.	6.14
54	Existing poles prevent boats coming onto land in flood event, will marine bollards also have this function?	No
55	Should this application be approved, it should be conditioned to be used in accordance with the terms of the mooring licence (i.e. for traditional boats).	6.23
56	There are a lot of elderly, disabled and vulnerable people within Willows. The moorings are treasured by many who have benches placed in memory of their loved ones and offers a place to provide a safe healthy meeting place.	6.26
57	The applicant has not presented their rationale for the application.	Noted.
58	There are many options for a boat to deal with sewage as it cannot be connected to a drainage system while navigating. Furthermore, the “PLA Byelaw 49” comes into force on 1 January 2015, with the aim to prevent the discharge of sewage into the Thames, which is consistent with the continuing improvement of the Thames environment. This added to the fact that a traditional boat does not require to be connected to a drainage system, eliminates the need to for a bespoke drainage system.	6.18

59	Connection to BT lines is already available in the park. It needs to be taken into consideration that landlines are becoming obsolete, mobile phone, mobile broadband and wireless services are widely available and therefore a permanent connection may no longer be a solution required by many, particularly boaters as they are likely to still need to be connected when away from the moorings. Therefore, the installation of BT cables in a trench is not be required.	6.18
60	Inappropriate development in the Green Belt with no “Very Special Circumstances” (VSC) attached to it	6.30-6.33
61	The development cannot be classified as a VSC as services to the moorings are already in place and it does not provide any essential services.	6.27
62	The development is on the edge of the river, in an area classified as flood zone 3, covered by mature trees protected by TPO and there is a risk that the tree roots will be damaged.	See main report
63	The Flood Risk Assessment (FRA) states that climate changes are likely to increase the risk of flooding. It concludes “...higher flood levels than those presented in this report may be experienced in the future...” and acknowledges that “...there is potential for both groundwater and surface water flooding....”. Hence this area is not appropriate for any development.	6.9-6.11
64	The openness of the Green Belt and setting of the Thames would be adversely impacted as the proposal includes bin storages placed alongside the riverbank, chambers, pumps, foul systems, mooring and marine bollards and replacement of existing sheds, which despite being similar in function, would be bigger and more obtrusive. The so called “paraphernalia” (which has been over used as a justification for this development) would not be impacted at all because it is no longer there (picture below) and, even if it were, anything scattered on the riverbank would not be removed by the proposed development as the “paraphernalia” is nothing else but the result of a combination of human behaviour, park management and poor mooring rules. Hence it is incorrect to expect that that the proposed development would tidy up the appearance of the riverbank and reduce the sprawl	See main report

65	Taking into consideration the scale of the work and the reduced number of moorings, the harm to the Green Belt far outweighs the small environmental improvement that this proposal would bring (note that the numbers of moorings are being reduced from 33 to about 13, which is the number of marine bollards being proposed)- there would be conflict with paragraph 87 of the NPPF.	6.30-6.33
66	<p>This development is neither a mineral extraction nor engineering operations nor local transport infrastructure nor re-use of buildings nor a development brought forward under a community Right to Build Order. Hence, this development is inappropriate in the Green belt.</p> <p>Besides, the “structures” that would be scattered on the riverbank and green area will be more obstructive. The reduction on the mooring fixings is mainly due to the fact the number of moorings will be reduced, even though this is not explicitly said.</p>	See main report.
67	The trench alongside the river, cables, chambers, etc. will reduce the capacity for the ground to absorb water and may increase flood risk to nearby houses. I am assuming the trench will be covered by hard surface?!	6.9-6.11
68	The proposed development will do nothing to enhance the natural environment. On the contrary, by digging at the edge of the river it will have an adverse impact on wildlife and green area.	6.15
69	<p>When I read the word “pump”, immediately “noise, electricity, enclosure” comes to mind and I would object to it, more so if it is located near my house or garden.</p> <p>There are drawings of existing sheds and electric boxes but there is no design or explanation if and what they would be replaced with. Many people are mistakenly thinking that the 25 sheds will be replaced by only 7 bin enclosures. In my understanding the remaining sheds will be replaced by bigger ones but this is not clearly described in the documentation. It is very misleading</p>	See report.
70	<p>Flexible pipe may rupture during a flood event and contaminate water and ground, which could affect the green amenity area reserved for park residents and the river. Has this been addressed by a “Sustainable Drainage Systems Approving body” as required by the “Floods and Water Management Act 2010”?</p> <p>There are also concerns over the capacity of the sewerage infrastructure to accept higher volumes as there have been numerous foul water discharge incidents near this site in the last few years. Has advice been sought from Thames Water Utilities regarding the capacity of the system to manage the waste by this development?</p>	6.21.
71	Excavation work is proposed to take place near the houses edging the moorings and it may cause land subsidence and/or adversely impact their bases and structures, causing irreparable damage to them. This could have a huge financial implication for the homeowners.	6.28

72	<p>it is incorrect to state that “The proposals will tidy up the appearance of the river bank, the setting of the Thames and will be far less obtrusive than the existing services, bollards and structures currently located on the river bank moorings” (Green Belt statement 3.09). Structures will be bigger, ropes will still be used to connect boats to land and wires to bollards, and pipes to water, etc. And unless sprawl is controlled by the park management via a good set of rules, this will not happen. Besides, no one expects moorings to look pristine like a hotel reception.</p>	See main report.
73	<p>Incorrect terminology: Use of “houseboat / boat” moorings instead of BOAT moorings as per 1991 licence</p> <ul style="list-style-type: none"> o FRA is incorrect to say that park amenities include only a club house and laundry as well as access roads and services. The amenity area is part of the facilities provided to park residents as part of the park licence and equates to 10% of the park area and as such should be protected from development. o It is not correct to say “As the development is “for a like-for-like replacement of services and storage sheds the proposals are not expected to increase flood risk elsewhere”. The replacement is not like-for-like. 	Noted.
	<p>in the unlikely event of this application be approved, the council should consider to use conditions or planning obligations (NPPF 203) to make it more acceptable and prevent inappropriate developments in the moorings at the Willows Riverside Park. The aim of these conditions are:</p> <ul style="list-style-type: none"> To protect the openness of the Green Belt To protect the Setting of the Thames To protect views/to and from the river To protect the moorings and Green Belt from future inappropriate developments To protect the green amenity and fishing areas reserved for park residents from any development or encroachment, including its use for car parking. To prevent flat-float/pontoon type boats/houseboats to moor in the park as it is what the 1991 moorings licence seeks. 	6.23

Consultee	Comment	Where in the report this is considered
Environment Agency	<p>We have reviewed the recently submitted Flood Risk Assessment (by Thomas Mackay, dated February 2017 – ref. 17010_WillowsRiversidePark_FRA_FINAL_v1-0). We can now withdraw our objection to the application, subject to the inclusion of the following conditions and informatives in any permission granted.</p> <p>CONDITION The development permitted by this permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:</p> <ol style="list-style-type: none"> 1. The bollard configuration should be set to above 21.61 AOD – this is above our recommended 1% 35% climate change level. 2. All bins and bin stores shall be securely fixed to the ground to prevent any washing away during a flood event. 3. All development should be carried out in line with the drawings submitted. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. <p>REASONS</p> <ol style="list-style-type: none"> 1. To prevent damage to the bollards as much as possible during flood events. 2. To ensure minimal damage to surroundings when flood event occurs. 3. These are the plans for the development that have been reviewed and are appropriate for the location. <p>Pollution Prevention During Construction INFORMATIVE Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:</p> <ul style="list-style-type: none"> - the use of plant and machinery - oils/chemicals and materials - the use and routing of heavy plant and vehicles - the location and form of work and storage areas and compounds - the control and removal of spoil and wastes. <p>Flood Risk Activity Permit INFORMATIVE The applicant is required to obtain a Flood Risk Activity Permit (under the Environmental Permitting Regulations) for activities beside/in/under/over the Thames (Lower) Main River. They are advised to view the Environment Agency’s website at https://www.gov.uk/guidance/flood-risk-activities-environmental-permits for further details on this requirement.</p> <p><u>Updated Comments</u></p> <p>We have reviewed the requested condition and would like to</p>	6.9-6.11 and recommended conditions.

	<p>apologise as it was an error on our part. Please include the following revised condition as an alternative:</p> <p>CONDITION The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:</p> <ol style="list-style-type: none"> 1. All bins and bin stores shall be securely fixed to the ground to prevent any washing away during a flood event. 2. All development should be carried out in line with the drawings submitted. <p>The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p> <p>REASON</p> <ol style="list-style-type: none"> 1. To ensure minimal damage to surrounding when flood event occurs. 2. These are the plans for the development we have reviewed and see as appropriate for the location. 	
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Other consultees

Consultee	Comment	Where in the report this is considered
South Bucks District Council	Offers no objection to the proposal.	Noted.
Council's Ecologist	<p>An ecology survey was undertaken at the site in March 2015 in support of a previous application. The survey undertaken includes the current application site boundary. Following a site visit, it is confirmed that the habitats on site remain unchanged since the previous survey was undertaken.</p> <p>However, the surveys are almost two years old and if the development does not commence during 2017, it is recommended that an updated ecology survey is undertaken in order to ensure the site conditions have not become more suitable to support protected species.</p> <p>A number of designated sites were recorded within 2km of the proposed development. The applicant's ecologist concluded that due to the distance between the protected sites and development, it is unlikely that there will be any adverse effects.</p> <p>In order to reduce the impact of the development on The River Thames, it</p>	6.15

is recommended that a Construction Environmental Management Plan is provided which will include details of sensitive lighting and the prevention of pollution events. Should the Local Planning Authority be minded to grant planning permission, it is recommended that this advice be incorporated into suitably worded condition.

The majority of the habitat on site was recorded as being of negligible ecological value (amenity grassland, building, and hard standing). There was no evidence of, or habitat on site to support, otter, water vole, reptiles, amphibians, badgers or hedgehogs and therefore no further surveys for these species/ group of species is required.

The scattered trees were found to be of value to bats and breeding birds which is discussed below.

Bats

A number of trees on site were recorded as having low and moderate potential to support roosting bats. Bats and their roosts are afforded strict protection under the Wildlife and Countryside Act 1981(as amended), and the Conservation of Habitats and Species Regulations 2010 (as amended) and are a material consideration under the National Planning Policy Framework (NPPF). It is understood from the development plans that no trees with bat roost potential are to be removed as part of the development.

As the development plans have changed since the ecology survey was undertaken, it is recommended that confirmation is sought that none of the trees with the potential to support roosting bats are to be affected by the development. If the trees with potential to support roosting bats are to be removed during, or affected by, the development, further survey should be undertaken and the survey results provided to the Local Planning Authority, prior to planning permission being granted.

To ensure that there are no indirect impacts on bats that may be using the site, the ecological report gives recommendations for sensitive working practices which should be implemented during development. Should the Local Planning Authority be minded to grant planning permission, it is recommended that this advice be incorporated into a suitably worded condition.

Breeding Birds

There was habitat on site that had the potential to support breeding birds including the trees and shrubs. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended.

The ecology report makes reference to the protection of breeding birds during works including ensuring tree and scrub removal is undertaken outside the breeding bird season (which spans from March to August inclusive) or any nesting bird habitat and areas within close proximity to the proposed works should be checked by a qualified ecologist prior to works being undertaken. Should the Local Planning Authority be minded to grant planning permission, it is recommended that this advice be incorporated into a suitably worded condition.

Mammals

Mammals including otter and hedgehogs could enter the site during development. The ecology report outlined a precautionary method of working to protect any mammals on site. Should

	<p>the Local Planning Authority be minded to grant planning permission, it is recommended that this advice be incorporated into a suitably worded condition.</p> <p>Biodiversity Enhancements Paragraph 109 of the NPPF states that: “The planning system should contribute to and enhance the natural and local environment by [...] minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”. In addition, Section 40 of the Natural Environment and Rural Communities Act 2006 states that “Every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.</p> <p>The applicant’s ecologist has recommended several biodiversity enhancements which could be included into the development proposals to increase the biodiversity opportunities at the site. These included wildlife friendly planting, sensitive lighting, the inclusion of bat and bird boxes on buildings and retained mature trees and installation of coir rolls onto the existing banks. Should the Local Planning Authority be minded to grant planning permission, it is recommended that a suitably worded planning condition is included requiring the applicant to incorporate all the biodiversity enhancements recommended within the ecology reports</p>	
Lead Local Flood Authority	The application has little change to the impermeable area and therefore the Lead Local Flood Authority has no comments to make in this instance.	Noted.
Highway Authority	Offers no objection.	Noted.
Bray Parish Council	Recommended for refusal - GB2 - Unacceptable development in the Green Belt. N2 - Inappropriate development in the setting of the Thames. Insufficient detail to fully determine the work being done.	See main report.
Cookham Parish Council	<p>The Planning Committee of Cookham Parish Council has been made aware of the application 17/00045 for the upgrading of moorings at Willows Riverside Park in Windsor.</p> <p>We understand that the application has been called in to the Development Control Panel and so would like to reiterate the objections submitted in December 2015 which cite the Committee's concerns about the type of craft that will be allowed to moor there following the upgrade.</p> <p>Our Planning Committee Chairman's comments are as follows: It is clear from the objections raised by the Environment Agency, Bray Parish Council and many others to the previous application that any subsequent development of this site to allow the mooring of non-traditional boats should not be permitted because of the detrimental impact on the Green Belt and the setting of the Thames. Such development would establish a principle which, if repeated along the Thames in Cookham Parish, would be strongly resisted by residents and the Parish Council would have no hesitation in</p>	7.3

	encouraging objection to it.	
Tree Officer	<p>The trees growing on the site are subject to tree preservation order TPO 17/1995.</p> <hr/> <p>COMMENTS</p> <hr/> <p>I have considered the additional information in the revised Arboricultural impact assessment (AIA) and draft arboricultural method statement (AMS) provided by Haulfryn Group Ltd dated April 2017 together with the updated Draft Tree Protection plans, proposed services sheets 1-3 and the points raised in the letter from Stephen Westmore Arboricultural Consultant dated 28th April 2017.</p> <p>The route of the services has now been amended to as far as possible avoid the root protection areas (RPAs) of retrained trees these changes are shown on all the amended proposed services sheets and the tree protection plans. The reference to plan 3703-312D in 5.3 of the AMS will need to be updated to the latest revision (E).</p> <p>I note from point 2 of the letter that the provision of inspection chambers has now been omitted from the scheme. A single foul water inspection chamber (FW01) is still shown within the RPAs of G32 and T33 however plan 3703-310 suggests that the location for this chamber is yet to be agreed and I would recommend that this be confirmed as part of the final AMS and TPP.</p> <p>The references to the use of multiple trenches have been removed from the document.</p> <p>I note that the locations of the service bollards are now shown on the plans and that the new mooring bollards are to be fixed to the existing camp-shedding. If any additional excavation works or vehicle access within the root protection areas of retained trees is required to install these bollards it would need to be agreed with the LPA.</p> <p>The amended tree protection fencing and ground protection details shown on the draft tree protection plan are suitable to enable the protection of the trees shown to be retained.</p> <p>The proposal to use a trenchless solution to install the utilities unless prevented by site conditions is appropriate. As suggested in the AMS the use of compressed air soil displacement to excavate trenches would be the best alternative if it is shown that site conditions prevent the use of a trenchless solution.</p> <p>I note that a soil assessment is due to be completed shortly and that this will inform if a trenchless solution will be possible. I also note from 5.9 and 5.10 that a separate methodology for the installation of the services is to be produced. If this application is approved I would recommend a condition that the method and method statement for the installation of the services be approved by the Local Planning Authority before that start of any works on the site.</p> <hr/>	6.12-6.13 and recommended conditions.

	<p>Recommendation</p> <hr/> <p>There are no objections to the proposed development subject the above recommendations and the suggested conditions.</p> <p>Tree Protection during utility installation – Details to be submitted</p> <p>Prior to any equipment, machinery or materials being brought onto the site, details of the methodology for the installation of the underground utility apparatus, including any necessary tree protection is to be submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all work to install the utilities.</p> <p><u>Reason:</u> To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies – Local Plan DG1, N6.</p> <p>Tree Protection – Implemented as approved</p> <p>The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.</p> <p><u>Reason:</u> To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies – Local Plan DG1, N6.</p> <p>Tree Retention/Replacement</p> <p>No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any tree work be undertaken other than in accordance with the approved plans and particulars and without the written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any tree work approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the size and species, and shall be planted at such time, as specified by the Local Planning Authority.</p> <p><u>Reason:</u> In the interests of the visual amenities of the area. Relevant Policies – Local Plan DG1, N6.</p>	
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8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed layout
- Appendix C – Elevations of proposed bin stores, marine service bollards and underground pumps

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

- 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 existing electric hook-up and water points and mooring bollards shall be removed and the land restored to its former condition within 1 month of the development hereby permitted being completed.
Reason: The development is within the Green Belt, and the proposed development is granted on the basis that the existing development to be replaced is removed.
- 3 Details of the noise rating level from all plant and equipment (collectively) associated with this development shall be submitted to and approved in writing by the Local Planning Authority. Tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional correction in accordance with BS4142:2014. The methodology, results and mitigation for noise rating shall be submitted to and approved in writing by the Local Planning Authority. The development shall be maintained in accordance with the approved details.
Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.
- 4 Works of repair or maintenance of plant, machinery or equipment shall only be carried out at the site between 08:00 and 18:00 hours Mondays to Fridays, 08:00 and 13:00 on Saturdays and at no time on Sundays, or Bank Holidays or Public Holidays without the prior written consent of the Local Planning Authority.
Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.
- 5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:
 1. All bins and bin stores shall be securely fixed to the ground to prevent any washing away during a flood event.
 2. All development should be carried out in line with the drawings submitted. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.Reason: To ensure minimal damage to surrounding when flood event occurs.
- 6 Prior to any equipment, machinery or materials being brought onto the site, details of the methodology for the installation of the underground utility apparatus, including any necessary tree protection is to be submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all work to install the utilities.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 7 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

- 8 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any tree work be undertaken other than in accordance with the approved plans and particulars and without the written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any tree work approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the size and species, and shall be planted at such time, as specified by the Local Planning Authority.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.
- 10 All areas of land that is currently grassed where the new underground services will be laid shall be returned to grass following the installation of the underground services.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.
- 11 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

- 1 This planning permission does not supersede original planning permission 91/01625/FULL for the residential and leisure boat moorings and the conditions on planning permission 91/01625/FULL should be complied with.
- 2 Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:
- the use of plant and machinery
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes.
- 3 The applicant is required to obtain a Flood Risk Activity Permit (under the Environmental Permitting Regulations) for activities beside/in/under/over the Thames (Lower) Main River. They are advised to view the Environment Agency's website at <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> for further details on this requirement.