

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

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

22 August 2018

Item: 1

Application No.:	17/03426/FULL
Location:	Land West of Colne Brook Foundry Lane Horton Slough
Proposal:	Sand and gravel extraction and restoration by infilling with inert waste of Poyle Quarry extension (preferred Area 12)
Applicant:	Mr Lowe
Agent:	Mr Steve Lamb
Parish/Ward:	Horton Parish/Horton & Wraysbury Ward

If you have a question about this report, please contact: Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk

1. SUMMARY

- 1.1 The application site is known as part of the 'Poyle Quarry Extension' and the proposal is for the extraction of sand and gravel, with the subsequent infilling of the extraction area with inert material and restoration of the land back to agriculture. Extraction and restoration would be completed within an eight year period. All extracted materials would be processed through the existing Poyle Quarry plant which is located approximately 500 metres to the east in the Slough administrative area.
- 1.2 Planning permission for sand and gravel extraction at the site was previously approved in 2008 and renewed in 2011. The development is to be undertaken in the same manner as previously approved, with no proposals to alter the method of working, depth of extraction, operational hours or permitted level of output. The restoration proposals are also largely identical to the previously approved schemes.

It is recommended the Panel grants planning permission with the conditions listed in Section 9 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 is located between the villages of Colnbrook and Horton, roughly equidistant between Windsor to the west and the Terminal buildings of Heathrow Airport to the east.
- 3.2 The application site is located at the north end of Foundry Lane, between a bridle way (Bridleway 4 Horton) that forms part of the Colne Valley Way and Colne Brook (to the west). The site is a roughly rectangular area of 21.3 hectares and is fairly flat and featureless agricultural land. Access to the site is currently via the Bath Road to the north east within Slough Borough.
- 3.3 The northern boundary of the application site follows the shared boundary with Slough Borough so that the residential properties to the north are all within Slough. Part of the Colne Brook is to the east and again follows the shared boundary with Slough. The Eric Mortimer Rayner Memorial Lakes are to the south-east, as is Berkyn Manor Farm and a sporadic number of residential properties to the south, off Foundry Lane. Sand and gravel extraction is taking place on the land to the west of the application site, known as Horton Brook Quarry.

3.4 The site is within the Colne Valley Park, the Green Belt and a small part of the access is within Flood Zone 3. The site also lies within the safeguarding zone for London Heathrow Airport.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 The site is known as part of the 'Poyle Quarry Extension' and the proposal is for the extraction of sand and gravel, with the subsequent infilling of the extraction area with inert material and restoration of the land back to agriculture. Specifically, the development would involve the phased extraction of approximately 800,000 tonnes of sand and gravel, which would be worked at a rate of up to 150,000 tonnes per annum and the progressive restoration of the 18 hectare extraction area to agriculture. Extraction and restoration would be completed within an eight year period. All extracted materials would be processed through the existing Poyle Quarry plant which is located approximately 500 metres to the east in the Slough administrative area.

4.2 A new access to the site off Poyle Road, to the east and within Slough Borough, is to be created – This is currently part of a separate planning application with Slough, (application reference: P/10012/008). The proposal also involves an extension of the existing haul road, from the processing plant, to allow it to cross over Bailey bridge (into RBWM).

4.3 Planning permission for the development of the site for sand and gravel extraction together with restoration to original ground levels was approved in 2008 under reference 04/01716. This permission was renewed in 2011 under reference 10/02804. Due to the last permission not being implemented by January 2016 it lapsed and hence the reason for this current application. The development is to be undertaken in exactly the same manner as previously proposed and approved in 2008 and 2011, with no proposals to alter the method of working, depth of extraction, operational hours or permitted level of output. The restoration proposals are also largely identical to the previously approved schemes apart from an extension of the earth bund to run along the south boundary during extraction of this part of the site.

5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Replacement Minerals Local Plan for Berkshire

(Including the Alterations adopted in December 1997 and May 2001)

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

- Policy 6 – Key principles
- Policy 7 – General environmental considerations
- Policy 8 – Preferred Areas
- Policy 18 – Site restoration
- Policy 19 – Environmental conservation and enhancement
- Policy 20 – Restoration of Preferred Areas
- Policy 21 – Planning application requirements
- Policy 22 – Environmental Statement
- Policies 23 & 24 – Archaeological implications

These policies can be found at:

https://www3.rbwm.gov.uk/info/200209/planning_policy/1345/minerals_and_waste_plans

National Planning Policy Framework (NPPF), July 2018

5.2 The main planning sections of the NPPF relevant to the consideration of the proposal are:

- Section 13 – Protecting the Green Belt
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment
- Section 17 – Facilitating the sustainable use of minerals

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The principle of development;
- ii The impact on the landscape;
- iii The impact on the living conditions of nearby residents (in particular from noise and dust);
- iv Ecological implications;
- v Archaeology;
- vi Ground and surface water controls;
- vii Highway and Public Rights of Way implications;
- viii Trees.

The principle of development

6.2 Paragraph 146 of the NPPF advises that mineral extraction is not inappropriate in the Green Belt provided it maintains the openness of the Green Belt and does not conflict with the purposes of including the land within the Green Belt. Paragraph 205 of the NPPF also advises that, when determining planning applications, local planning authorities should give great weight to the benefits of mineral extraction, including to the economy.

6.3 The application site is identified for future quarrying as part of the 'Preferred Area 12 'Poyle Quarry Extension' in the Replacement Minerals Local Plan for Berkshire. The two previous planning applications, referred to in paragraph 4.3 and considered against the same Minerals Local Plan policies, are also material to the consideration of this current application.

6.4 The principle of the proposal is acceptable.

The impact on the landscape

6.5 The site does not contain any formal landscape or nature conservation designations. However, due to the potential environmental effects arising from the development, the applicant has undertaken an Environmental Impact Assessment (EIA) with the results evaluated in the submitted Environmental Statement (ES). The majority of the environmental aspects have been fully assessed since the previous EIA was undertaken in 2004 (with the exception of agriculture and soils).

6.6 Included in the ES documents is a 'Landscape and Visual Impact Assessment', which identifies the main landscape effect during the operational phase of the development to be the temporary loss of Grade 3 agricultural land from the proposed extraction area, noting that restoration would be progressive. At the site level, this would have a moderate adverse impact on the landscape character, but there are not considered to be any significant adverse impacts beyond the extraction area due to the mitigation measures proposed, which include: A phased working scheme with progressive restoration developing the site from the north-eastern part of the extraction area and extending broadly from north to south. This proposal would assist the early establishment of restored landscape closest to Colne Brook and ensure the smallest quarry footprint; Use of phased soil storage and screening bunds (maximum 3m high) around the extraction area to minimise the impact upon nearby visual receptors including the bridleway and nearby residential properties and; by restoring the extraction area by infilling with inert material and restoring to agricultural at the similar height to existing ground levels to ensure that the finished landscape is similar to the baseline.

- 6.7 Following restoration, the impact on the landscape would not be significant. The application has been referred to the Planning Casework Unit which has advised that it does not wish to make any comments on the ES. Subject to conditions 25 and 26, together with other conditions in relation to trees and the public right of way, the proposal is considered acceptable in landscape terms.

The impact on the living conditions of nearby residents

- 6.8 The closest residential properties to the site are two static caravans to the south, which are approximately 70m away. In between these properties and the area of extraction is a small recycling site, operated by the occupiers of the static caravans. The next closest properties are to the north (within Slough Borough), at approximately 100m from the extraction area.
- 6.9 In order to minimise any adverse impact on residential amenity, the sand and gravel would be transferred to the plant site at Poyle Quarry for processing and dispatch. Transferring to the process plant would be by means of dump trucks travelling along a new haul road. This new road would be constructed from the extraction area to the existing Bailey bridge that crosses the Colne Brook to the east. There is an existing access road between the Bailey bridge and the processing plant. There would be no processing within the application site.
- 6.10 Any adverse impacts to residential amenities will also be mitigated by the screening bunds proposed along the north, south and west boundaries. These bunds will be formed at each phase of extraction from the soil removed, to be used later for restoration of the site.
- 6.11 The Environmental Statement submitted with the application included the assessment of the potential noise and air quality impacts of the development on sensitive locations (residential properties). With the noise assessment the calculated site noise levels for routine and temporary operations on site are below the noise limits set out in the Planning Practice Guidance 2014. The findings and conclusions of the Air Quality Assessment that the air quality impact with the implementation of suitable mitigation measures (section 7 of the Report) are not considered to be significant and are acceptable. Environmental Protection has therefore raised no objections to the proposal subject to conditions in respect noise levels, noise monitoring, hours of operation, plant and machinery maintenance, reversing sirens, dust emissions, dust management plan, lighting and an approved complaints procedure, which are covered by conditions 14 to 22 respectively.

Ecological implications

- 6.12 An updated ecological appraisal was undertaken in 2017, although there have been ecological surveys undertaken at this site in 2003/2004, 2009 and 2015. During the survey in 2017, the site did not support protected or priority species of plants and did not have a reasonable likelihood of supporting scarce invertebrates, protected fish, great crested newts, dormice, water voles or badgers given the types of habitats recorded on site. No further survey for these species/species groups are required.
- 6.13 The site is within 500m of South West London Waterbodies Ramsar, Special Protection Area (SPA), Wraysbury Reservoir Site of Special Scientific Interest (SSSI), Wraysbury No. 1 Gravel Pit SSSI and Staines Moor SSSI which are designated for supporting important populations of wintering birds. Natural England has been consulted on this application with regards to the impact on the features of these designated sites and has raised no objections to the proposal.
- 6.14 During the 2017 ecological appraisal submitted as part of the current application, one tree within the site was recorded as having the potential to support bats. All bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2010, as amended, the Countryside of Rights and Way Act 2000 and the Wildlife and Countryside Act 1981, as amended. Seven bat species are also considered Species of Principal Importance (SPI's) under Section 41 of the NERC Act 2006. As this tree is to be retained and protected during site works no further survey is required.

- 6.15 The ecological surveys in 2003 and 2009 concluded that the site would not hold a permanent population of reptiles, although transient grass snake might occur along the ditch. The same conclusion was drawn during the 2015 and 2017 surveys with the only suitable habitat for grass snakes being the narrow drain running along the eastern boundary. All native species of reptile are protected from killing and injury under the Wildlife and Countryside Act (1981) as amended. In addition, all common native species of reptile are Species of Principal Importance under Section 41 of the NERC Act 2006 and receive further protection through national planning policy. The plans retain a 1m buffer between the eastern boundary ditch and the development works and therefore no further survey or mitigation is required.
- 6.16 Paragraph 170 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". No information with regards to biodiversity enhancement has been provided within the ecology report. It is therefore recommended that a suitably worded planning condition is included requiring the applicant to provide details of all biodiversity enhancements to be incorporated within the proposed development in order to demonstrate a net gain in biodiversity. This is covered by condition 23.

Archaeology

- 6.17 This application is an iteration of a previous, permitted application (10/02804/FULL) that was approved subject to a Condition (14) requiring a programme of archaeological work following the advice of Berkshire Archaeology. A detailed specification for the programme of archaeological work was subsequently agreed (15/03968/CONDIT). The 2010 permitted scheme was not implemented and the current application is, to all intents and purposes, identical to the previous application as regards the known and potential impacts on the buried archaeological heritage.
- 6.18 The submitted archaeological evaluation report advises: "The evaluation demonstrated that archaeological remains (of predominantly later prehistoric, i.e. Bronze Age and Iron Age, and Romano-British date) are dispersed fairly evenly, but not densely across the site...The remains appear to represent a managed and enclosed landscape of later prehistoric date, which may also include funerary and/or ritual monuments.....evidence for intensive settlement/land use, as seen to the south at Kingsmead Quarry, Horton, is limited although it should be noted that relatively small-scale sites/feature concentrations (including individual ritual monuments) could be present anywhere on the Site. Artefactual, faunal and palaeo-environmental evidence survives to varying degrees, with a potential for waterlogged deposits in isolated and deeper features. The Site contains potentially important assemblages capable of characterizing the landscape and its exploitation."
- 6.19 In order to mitigate the impacts of the quarry proposal on the buried archaeological heritage, the applicants have provided a 'Project specification' (TVAS, December 2015) setting out a programme of archaeological work.
- 6.20 As noted above, Berkshire Archaeology (BA) has previously reviewed and approved the 'Project specification' in relation to application 15/03968/CONDIT. BA has advised that the 'Project specification' continues to represent an appropriate programme of archaeological work to record the buried archaeological heritage that will be lost, should this proposal be permitted. This is in accordance with Paragraph 199 of the NPPF which states that local planning authorities should '*require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible*'.
- 6.21 It should be noted that the programme provides for machine stripping of topsoil/subsoil across all of the quarry as an archaeological exercise, and that subsequent investigation in advance of extraction will be commensurate with the quality and density of buried remains encountered.

- 6.22 As a detailed written scheme of archaeological investigation has been submitted with this application and in order to secure the full programme of work so as to achieve the full public benefit of the investigation, it is recommended condition 2 in section 9 of this report be attached to any approval.

Ground and surface water controls

- 6.23 The site is located within an area of other authorised and historical landfills. It lies within a vulnerable Principal aquifer where development proposals of all types are carefully monitored by the Environment Agency (EA). Initially the EA objected to the proposal as it had not been sufficiently demonstrated that the proposal would not lead to unacceptable risks to groundwater. However, the applicant has worked with the EA to address its concerns and, subject to conditions 3, 4, 5 and 6 in section 9 of this report, the EA has withdrawn its objection.
- 6.24 In addition, the Lead Local Flood Authority has recommended conditions in respect of 1) mitigation measures to manage the long term (post development) groundwater impacts, (increases in groundwater levels to the north / falls in groundwater levels to the south), 2) the implementation of a groundwater monitoring scheme and the provision of recorded data to the Local Planning Authority, 3) details of proposed groundwater control measures to be implemented during operation of the site and following completion of backfilling and, 4) details of existing and post restoration ground levels of the site to be submitted and approved. These are covered by conditions 7 to 10.

Highway and Public Rights of Way (PRoW) implications

- 6.25 Poyle Quarry was the subject of a similar proposed scheme approved in May 2008 and in March 2011. In highway terms the previous submissions proposed the introduction of a new junction on Poyle Road to be constructed in the form of a roundabout with Mathisen Way, all within Slough Borough. The current pending application with Slough is now seeking permission to construct two vehicular accesses off Poyle Road, negating the need for the roundabout. These works are to be secured by a Section 278 Agreement between the developer/landowner and Slough Borough Council.
- 6.26 The submitted Transport Statement advises that exported materials (extracted gravel and sand) and imported materials (inert waste) will be transported by Heavy Goods Vehicles (HGVs). As with the previous permissions, the Highway Authority for Slough is advising a condition be attached to any permission that restricts the number of HGVs to no more than 30 per day carrying materials exiting the site, and no more than 22 per day carrying waste material entering the site. Given that the access to the site and the HGV movements associated with the development will take place within Slough Borough it is considered reasonable to leave conditions relating to traffic movements to them. In addition, given that the M25 is in close proximity to the site access in Slough, it is not considered that the traffic movements associated with the proposal will significantly adversely affect the highway network within RBWM. The Highway Authority advising RBWM has raised no objections to the proposal.
- 6.27 A public bridleway (Brideway 4 Horton) runs alongside the western boundary of the application site, connecting with a further public bridleway (Bridleway 5 Horton) at the north western corner of the site. The PRoW officer has advised there is an outstanding S106 planning obligation associated with an earlier phase of sand and gravel extraction at land to the south of the current application site, requiring the provision of a new footbridge over the Colne Brook and a new public footpath along the western bank of the brook, but that neither of these have been provided to date. However, the PROW officer is referring to the legal agreement completed in 1998 in respect of application 92/00397, which relates to a different site, and therefore these matters are not relevant to the consideration of this planning application.

- 6.28 The PRoW Officer is broadly in agreement with the submitted Landscape and Visual Impact Assessment and does not consider that the adverse impact on views from Bridleway 4 during the operational phase would be sufficiently severe as to warrant an objection to the application on public rights of way grounds.
- 6.29 If permission is granted, it is recommended that the same condition as condition 21 of 10/02804 be applied in respect to protecting Bridleway 4 Horton. This is covered by condition 24 in section 9 of this report.

Trees

- 6.30 There are few trees in the area, most of those that do exist are just off-site, but their root protection areas (RPA's) do extend into the site. Trees and hedges are to be protected as shown on the 'Tree Constraints Plan M16.163.D.202, Sep 2017'. Initially the Tree Officer objected to the proposal due to the impact on two significant trees (T20 and T21) however an amended plan has been submitted which shows the protection of these trees, along with the associated reduction in the line of the extraction area.
- 6.31 The 'Proposed Restoration Plan' shows the site being returned to agricultural grassland. However, the boundaries will need to be enhanced with new native tree and hedge planting, particularly next to the ditch (northern section where woody vegetation is largely absent), and adjacent to the public right of way. With a strong hedge in place, potentially the unattractive metal palisade fence could be removed or at least its visual impact reduced. In addition, this is a particularly large field of approximately 20 hectares and it would be better from a landscape and wildlife perspective if it were partitioned into at least two, if not three fields. The field boundaries could replicate the positions of the field pattern in the 1880 epoch maps. Given the site may be given over to grazing, then it would improve the welfare of livestock to have the additional shade etc. available. A detailed restoration plan will need to be submitted, this can be conditioned. These matters are covered by conditions 11 and 12.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

74 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 17.11.17 and the application was advertised in the Maidenhead & Windsor Advertiser on 16.11.17.

1 letter of support has been received from a local resident confirming they have no objections to the application.

Consultee responses

Consultee	Comment	Where in the report this is considered
Horton Parish Council	Concerns in respect of operational times, road access through Horton village, resident's quality of life and pollution control.	6.8 – 6.11
Planning Casework Unit	No comments.	6.7
Environmental Protection	No objections subject to conditions.	6.8 – 6.11
Highways	No objections.	6.25
Environment Agency	No objections subject to conditions.	6.23
Lead Local Flood	No objections subject to conditions.	6.24

Authority		
Public Rights of Way	No objections subject to conditions and S106 legal agreement to secure a new footbridge over the Colne Brook and a new public footpath along the western bank of the brook as per application 92/00397.	6.27 – 6.29
Trees	No objections subject to conditions.	6.30 – 6.31
Natural England	No objections.	6.13
RBWM Ecologist	No objections subject to conditions.	6.12 – 6.16
Berkshire Archaeology	No objections subject to conditions.	6.17 – 6.22

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Block phasing plan
- Appendix C – Restoration plan

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 No development shall take place until the applicant or their agents or successors in title have secured the implementation of the agreed programme of archaeological mitigation (as set out in Thames Valley Archaeological Services' 'Project Specification for an archaeological recording action', dated 26th November 2015, Revised 15th December 2015). The mitigation strategy provides for: i) A programme of site investigation and recording, ii) A programme of post-excavation assessment, iii) A programme of post-excavation analysis, publication, dissemination and archiving. This part of the condition shall not be discharged until these elements of the programme have been fulfilled in accordance with the programme set out in the written scheme of investigation.

Reason: The proposal will impact on buried archaeological remains of prehistoric and Roman date relating to the settlement and land use of this part of the Middle Thames Valley. The impacts can be mitigated by the agreed programme of archaeological work, so as to record and advance understanding of the significance of the heritage assets to be lost in accordance with paragraph 199 of the National Planning Policy Framework (NPPF), July 2018 and Policy 24 of the Replacement Minerals Local Plan for Berkshire (RMLPB) Adopted 1995, (including Alterations Adopted 1998 and 2001).

3 The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by, the Local Planning Authority.

Reasons: 1. To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 178 of the National Planning Policy Framework. 2. To prevent and cause further deterioration of the drinking water protected area in the Lower Thames Gravels groundwater body.

4 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning

Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons: 1.To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 178 of the National Planning Policy Framework and Policy 7 of the RMLPB.

2. No investigation can completely characterise a site. The condition may be appropriate where some parts of the site are less well characterised than others, or in areas where contamination was not expected and therefore not included in the original remediation proposals.

- 5 No infiltration of surface water drainage into the ground at this site is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: 1.To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 178 of the National Planning Policy Framework and Policy 7 of the RMLPB

2. To prevent and cause further deterioration of the drinking water protected area in the Lower Thames Gravels groundwater body.

- 6 Prior to each phase of the development, a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 178 of the National Planning Policy Framework, Position Statement A8 of the Environment Agency's Approach to Groundwater Protection, and Policy 7 of the RMLPB. If these boreholes are not decommissioned correctly they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality. Groundwater is particularly sensitive in this location because the proposed development site is within a Principal aquifer.

- 7 Prior to commencement details of the mitigation measures to manage the long term (post development) groundwater impacts, (increases in groundwater levels to the north / falls in groundwater levels to the south) shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved.

Reason: To minimise the impact on the natural environment in line with paragraph 178 of the National Planning Policy Framework and Policy 7 of the RMLPB.

- 8 Prior to commencement details of a groundwater monitoring scheme, which includes the provision of recorded data to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To minimise the impact on the natural environment in line with paragraph 178 of the National Planning Policy Framework and Policy 7 of the RMLPB.

- 9 Prior to commencement details of proposed groundwater control measures to be implemented during operation of the site and following completion of backfilling shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved.

Reason: To minimise the impact on the natural environment in line with paragraph 178 of the National Planning Policy Framework and Policy 7 of the RMLPB.

- 10 Following the replacement of topsoils, a post development topographical survey shall be undertaken and submitted to the Local Planning Authority.

Reason: To ensure the finished levels reflect those on the approved plans Policy 7 of the RMLPB.

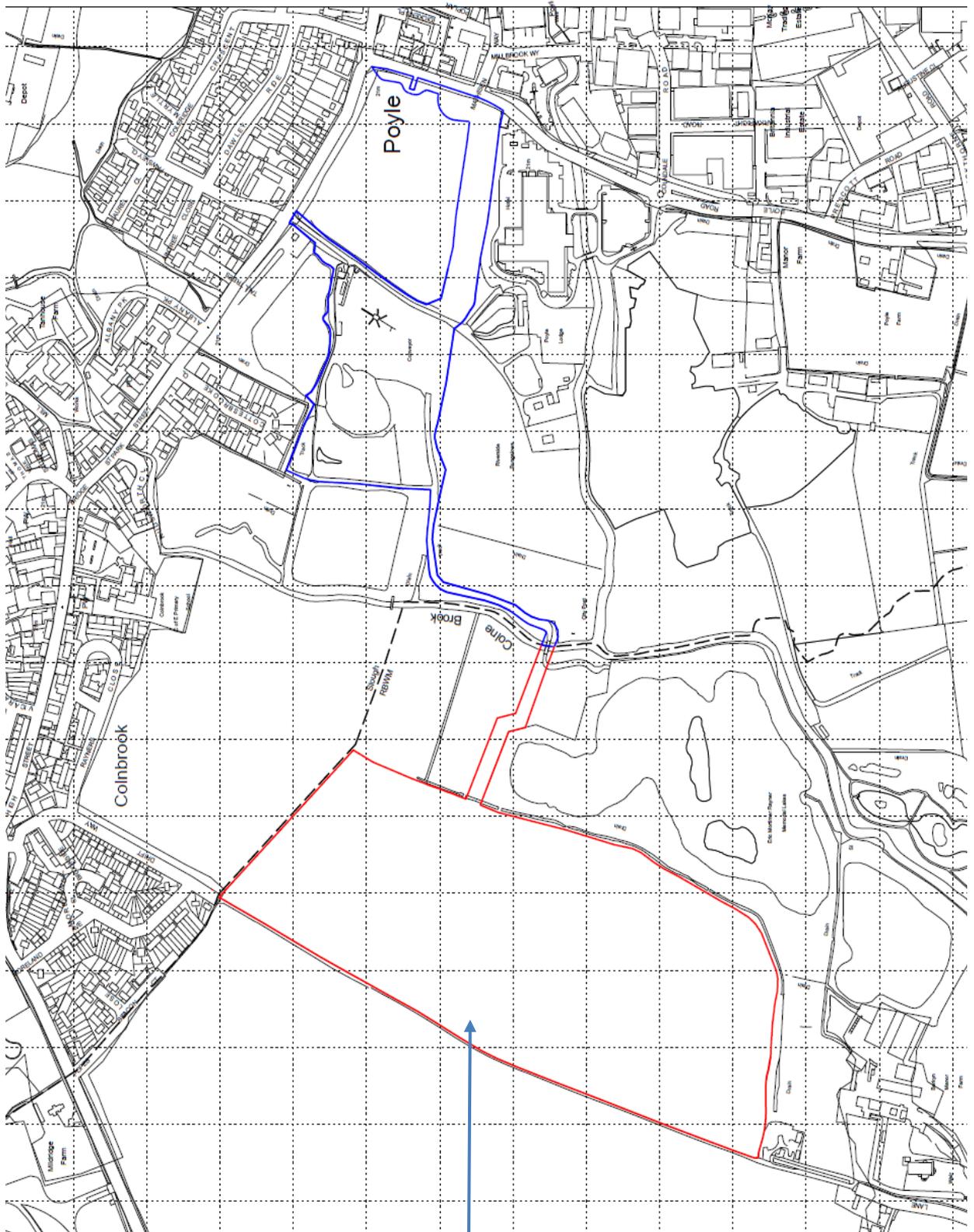
- 11 No development shall take place until full details of tree and hedgerow planting have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development (restoration of levels) and retained thereafter in accordance with the approved details. Plant species to be native and of local provenance. The planting to be concentrated along the boundaries of the site with the inclusion of one hedgerow partition across the centre of the field. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area in accordance with Policy 7 of the RMLPB.
- 12 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 approval of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policy 7 of RMLPB.
- 13 No more than 150,000 tonnes of sand and gravel shall be extracted from the site in any calendar year. A date log shall be kept of the number of Heavy Goods Vehicles exporting sand and gravel from the site. The date log shall be provided to the Local Planning Authority within one month of a written request from the Local Planning Authority.
Reason: In the interests of protecting the amenities of nearby residents. Replacement Minerals Local Plan for Berkshire Policy 7.
- 14 The working hours of the site including site preparation, operation of plant, equipment, machinery and their maintenance or repair, vehicle deliveries and dispatches shall not take place outside the following hours: 07:00 - 18:00 Monday to Friday, 07:00 - 13:00 Saturdays. No work shall be undertaken outside these hours and on Sundays, Public and Bank Holidays.
Reason: To protect the amenities of the area and prevent nuisance arising from noise and to accord with Policy 7 of the RMLPB.
- 15 Noise levels from site operations including the operation of processing plant, excavations, infilling operations, vehicle movements within the site, and dewatering pumps shall not exceed 55LAeq, 1hr (free field) at the noise sensitive properties listed in the submitted Noise Assessment Report, dated 22nd August 2017. Site preparation temporary operations including the creation of the access road and formation of bunds, soil stripping, final restoration and plant installation shall not exceed a noise level of 70LAeq, 1hr (free field) over a total of 8 weeks per calendar year.
Reason: In the interests of protecting the amenities of nearby residents and to accord with Policy 7 of the RMLPB.
- 16 Noise monitoring checks shall be undertaken to validate predicted noise levels at each noise sensitive location as identified in the Noise Assessment and the Technical Note submitted on 25th April 2018. The monitoring is to ensure compliance with noise limits set out in condition 15, throughout the phased operations and preparation of the site. Any breaches of noise limits shall be notified to the Local Planning Authority with immediate effect and include details of corrective action/s taken or proposed to resolve the breach.
Reason: To protect the amenities of the area and prevent nuisance arising from noise. Relevant Policy 7 of the RMLPB.

- 17 All plant, equipment and machinery operating within the site shall be fitted with silencers and maintained in accordance with the manufacturer's specification and in good working order at all times. Any breakdown or malfunctioning leading to increased noise and/or dust emissions shall be dealt with promptly. Site operations shall be adjusted or suspended until normal working conditions of any malfunctioning plant, equipment and/or machinery is restored.
Reason: In the interests of protecting the amenities of nearby residents. Replacement Minerals Local Plan for Berkshire Policy 7.
- 18 Prior to the commencement of development a plan showing full details of the access road and layout of the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the extent of hardstanding area, including the haul road, the location of the plant and associated structures. The layout shall be arranged as to allow vehicles fitted with reversing alarms to turn without the need to reverse. Where reversing alarms are used on earth moving plants, quieter or silent types shall be used. The access road and layout of the site shall be constructed and maintained in accordance with the approved plan.
Reason: To protect the amenities of the area and prevent nuisance arising from noise and to accord with Policy 7 of the RMLPB.
- 19 None of the operations or activities hereby permitted shall cause dust to be emitted and deposited outside the site boundaries. In the event dust emissions occur, the activity shall be suspended until it can be resumed without causing further emissions.
Reason: To protect the amenities of the area and prevent nuisance arising from dust. Relevant Policy 7 of the RMLPB.
- 20 Prior to commencement a dust management plan detailing mitigation measures to control dust emissions from site operations, site preparation, plant, equipment, vehicles and machinery shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of specific measures for each proposed Phase and shall be implemented in full and in accordance with the approved dust management plan.
Reason: To protect the amenities of the area and prevent nuisance arising from dust in accordance with Policy 7 of the RMLPB.
- 21 Prior to installation, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed and maintained in accordance with the approved details.
Reason: To protect the amenities of the area and limit light pollution in accordance with Policy 7 of the RMLPB.
- 22 Prior to commencement, a complaints procedure setting out how the operator will record, address and respond to complaints from local residents relating to environmental matters including noise, dust, Heavy Goods Vehicles traffic and external lighting shall be submitted to and approved in writing by the Local Planning Authority. The complaints procedure shall be implemented as approved.
Reason: To protect the amenities of local residents and resolve nuisance complaints arising from the development. Relevant Policy 7 of the RMLPB.
- 23 Prior to commencement, details of all biodiversity enhancements to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The enhancements shall be implemented as approved.
Reason: In accordance with paragraph 170 of the NPPF and Policy 19 of the RMLPB.
- 24 Prior to commencement, a scheme for the protection of Bridleway 4 Horton shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how surface water run-off will be prevented from draining onto the bridleway. The scheme shall be implemented and maintained as approved.
Reason: In the interests of protecting users of the Footpath from the impacts of the development. Replacement Minerals Local Plan for Berkshire Policy 7.

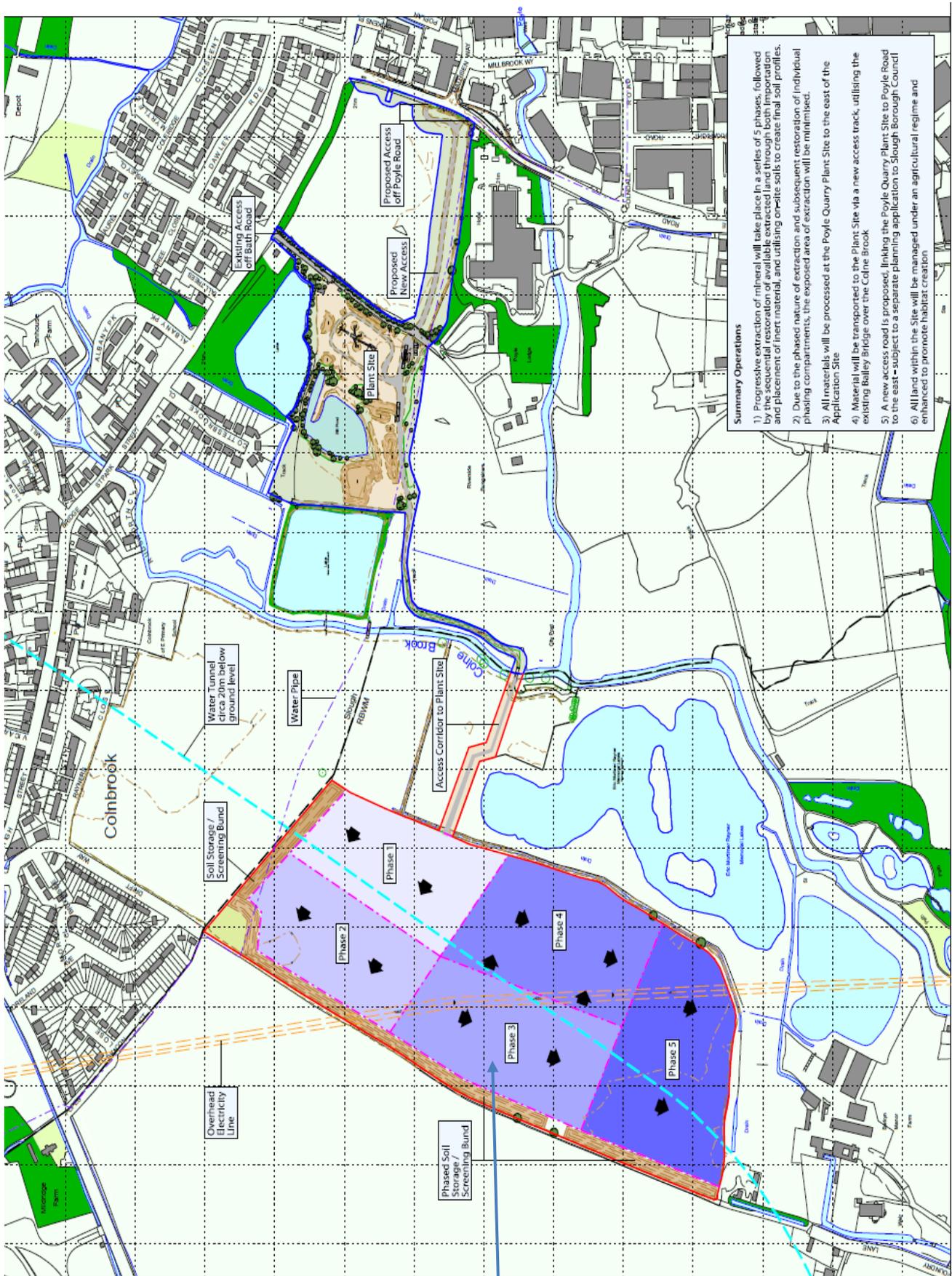
- 25 Restoration of the site shall be undertaken in accordance with the approved restoration strategy unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of ensuring the satisfactorily restoration of the site. Replacement Minerals Local Plan for Berkshire Policies 18 and 19.
- 26 Within 12 months of the cessation of mineral extraction from the final phase of the extraction all the raised bunds shall be removed and the land restored back to its original ground level.
Reason: In the interests of protecting the area from flooding and to enable the restoration of the site. Replacement Minerals Local Plan for Berkshire Policy 7.
- 27 Prior to commencement a revised Block Phasing Plan which shows a soil screenbank along the southern site boundary shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved.
Reason: To protect the amenities of local residents. Relevant Policy 7 of the RMLPB.
- 28 The extraction, infilling and restoration of the site shall be undertaken in accordance with the submitted details and approved plans listed below.
Reason: To ensure the development is carried out in accordance with the approved particulars and plans and in the interests of protecting the amenities of nearby residents. Replacement Minerals Local Plan for Berkshire Saved Policy 7.

Informatives

- 1 Any works affecting the cross section of the ordinary watercourse on the eastern boundary of the site (identified as the Horton Drain on figure 2.2 in the Flood Risk Assessment) or any other ordinary watercourse crossing the site will require separate consent from the Lead Local Flood Authority (under the Land Drainage Act 1991).

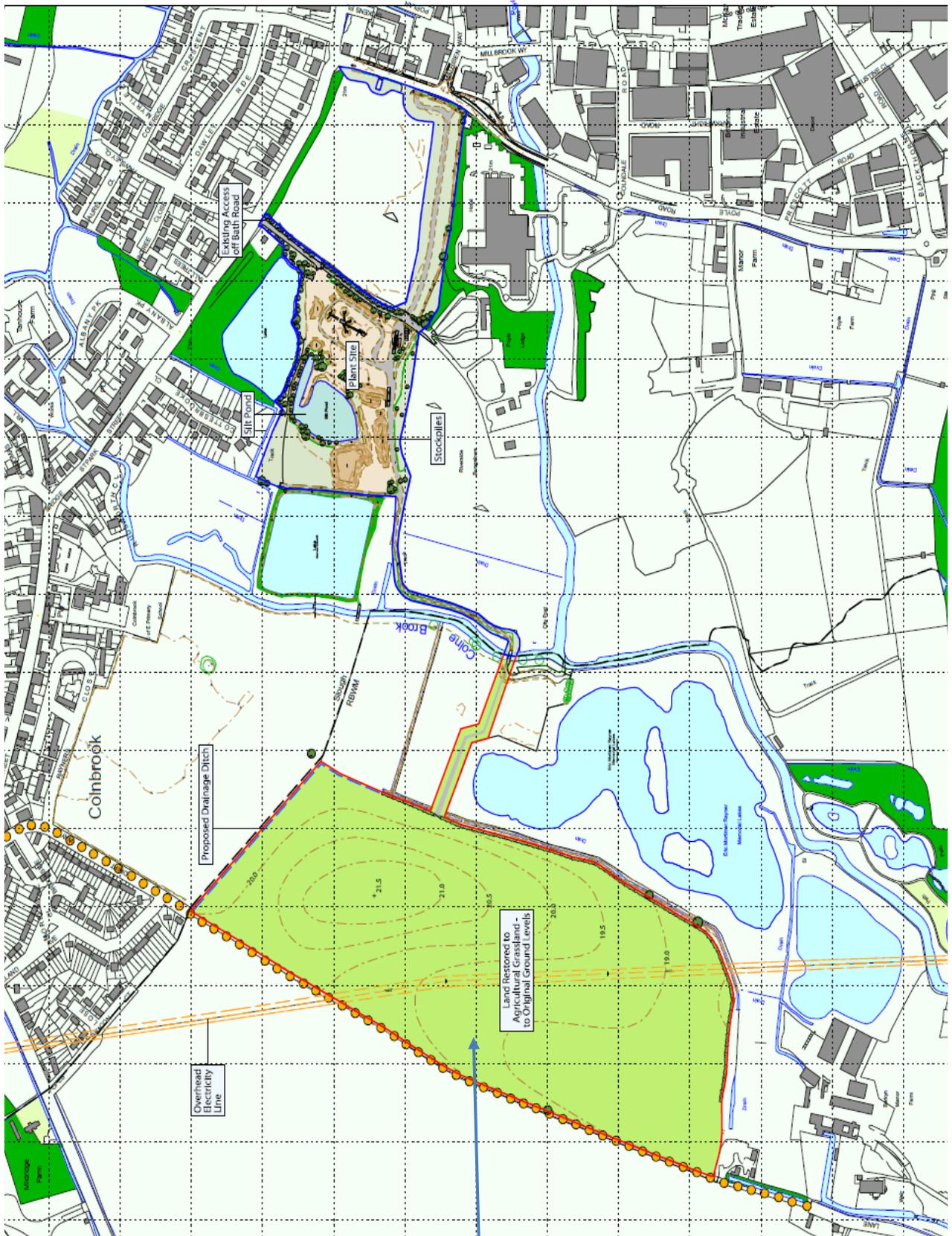


Application site



- Summary Operations**
- 1) Progressive extraction of mineral will take place in a series of 5 phases, followed by the sequential restoration of available extracted land through both importation and placement of inert material, and utilising onsite soils to create final soil profiles.
 - 2) Due to the phased nature of extraction and subsequent restoration of individual phasing compartments, the exposed area of extraction will be minimised.
 - 3) All materials will be processed at the Poyle Quarry Plant Site to the east of the Application Site
 - 4) Material will be transported to the Plant Site via a new access track, utilising the existing valley bridge over the Colne Brook
 - 5) A new access road is proposed, linking the Poyle Quarry Plant Site to Poyle Road to the east - subject to a separate planning application to Slough Borough Council
 - 6) All land within the Site will be managed under an agricultural regime and enhanced to promote habitat creation

Application site



Application site

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

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

22 August 2018

Item: 2

Application No.:	18/00226/FULL
Location:	Land South of Ascentia House And North of Station Works Lyndhurst Road Ascot
Proposal:	Construction of a two storey building comprising of a ground floor car showroom first floor offices, three single storey industrial units, new vehicular access and associated parking following the demolition of existing buildings.
Applicant:	Mr Perkins
Agent:	Mr Robert Reynolds
Parish/Ward:	Sunninghill And Ascot Parish/Sunninghill And South Ascot Ward

If you have a question about this report, please contact: Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk

1. SUMMARY

- 1.1 Planning permission is sought for 3 light industrial units and a unit comprising a car showroom on the ground floor and offices on the first floor, with ancillary parking. The site lies within Ascot Business Park which is defined as an industrial area within adopted policy E2 and emerging policy ED2. The proposed development is considered to meet the aims and objectives of the relevant employment policies, would be acceptable with regards to parking provision and highway safety, result in minimal harm to character and appearance of the area and minimal impact upon neighbouring amenity.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission subject to receipt of a satisfactory drainage strategy with the conditions listed in Section 10 of this report.
2.	To refuse planning permission if objections are maintained by the Lead Local Flood Authority (LLFA) are agreed by the LPA.

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 application site is a 0.35 hectare wedge shaped plot located on the north eastern edge of Ascot Business Park. The site comprises a two storey, flat roofed, brick-built building at the eastern edge of the site and the remainder of the site is open. It is understood that the building is used as a sales office for a coal merchants and a marquee hire business. There is a flat on the first floor although this appears to be unauthorised. The former coal yard appears to be used for the storage of equipment associated with the marquee hire business and scrap. The site is bounded by land associated with the office building of Ascentia House to the north, Lyndhurst Road to the east, the entrance road to Ascot Business Park to the south, and block E to the west.
- 3.2 The site is relatively flat and has hedges growing on the northern boundary. The building to the north Ascentia House and its parking area is situated on higher ground level than the application

site. There are a number of trees and hedges on the eastern end of the site. The site is generally in a poor state of repair and of low amenity value. Ascot Train Station is located to the north of the site and an area of housing is located to the east of the site on the opposite side of Lyndhurst Road.

3.3 The majority of Ascot Business Park comprises a modern courtyard style development of 3 storey office blocks and warehouse buildings some of which are divided into smaller units. The remainder of the business park includes a number of warehouse style industrial units and a car servicing and repair depot.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 There is no relevant planning history for the site.

4.2 The application involves the demolition of the existing building and a redevelopment of the site with three adjoining light industrial buildings (use class B1(c)) (labelled on the plans as units A, B and C) and a two storey building comprising of a ground floor car showroom (Sui Generis) and first floor offices (B1) (labelled on the plans as unit D).

4.3 All four units would front onto the section of Lyndhurst Road which serves the Business Park with a parking area to the front of units A, B and C, a parking area in the centre of the site and two parking spaces to the very east of the site.

5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections:

- 2. Achieving Sustainable Development
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making efficient use of land
- 14. Meeting the challenge of climate change, flooding and coastal change

Royal Borough Local Plan

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

	Within settlement area	Employment Land	Trees & Hedgerows	Transport
Local Plan	DG1	E1, E2, E3, E5,	N6 & N7	T5, P4
Ascot, Sunninghill and Sunningdale Neighbourhood Plan	DG1, DG2 & DG3	E1 & E2	EN2	T1 & T2

These policies can be found at

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Economic Development	E1
Employment Sites	E2
Other Sites & Loss of Employment Floorspace	E3
Trees, Woodlands & Hedgerows	NR2
Makes suitable provision for infrastructure	IF1

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 Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more details in the assessment below.

Significant weight is to be accorded to Borough Local Plan Submission Version policies SP2, SP3, E1, E2, E3, NR2 and IF1 in this case. The above application is considered to comply with the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded.

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

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

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment – view at:
- RBWM Parking Strategy – view at:

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of Development

- ii Impact on Character of the Area
- iii Amenity of Neighbouring Occupiers
- iv Highways & Car Parking
- v Trees & Landscaping
- vi Ecology
- vii Drainage
- viii Contamination

Issue I – Principle of Development

- 6.2 The site is located within the Ascot Business Park/Lyndhurst Road Industrial Area which is a designated employment area as defined by policy E2 of the adopted borough local plan and ED2 of the Borough Local Plan submission version. In this location development proposals would only be acceptable where there would be no loss of employment land and ideally some form of betterment. Under saved Local Plan policy E5, the re-development of land in this location for any purpose other than for a business, industrial or warehousing use would not be considered acceptable. The Ascot, Sunninghill & Sunningdale Neighbourhood Plan seeks to retain current sites and uses that provide jobs provided there would be no adverse impact on the character of the area, the amenity of neighbours or the safety of road users. The Neighbourhood plan also encourages the provision of microbusiness units as well as quality serviced office space and light industrial units of between 50 and 150 sq metres.
- 6.3 The proposed use is for a 387 sq.m car showroom with 387 sq.m of B1 office space above and 836 sqm. of B1c Light industrial use. The proposed development would replace a building comprising 339 sq.m of B1 (a) office floor space and open land use for industrial purposes. The proposed B1a offices and B1c industrial units can clearly be defined as business, industrial or warehousing use in line with policy E5. Whilst a car showroom does not fall within one of the B use classes, it is noted that there was a recent appeal decision relating to a partial change of use to a mixed B1/D1 use class on another site within Ascot Business Park (16/00099/FULL). In this case the Inspector held that *'Policy E5 does not make it clear that it is solely restricting employment sites to B-uses. Thus the policy is not specifically about protecting the existing B1 use of these premises, but protecting its use for employment purposes. I have found that the proposal would provide an appropriate, commercial employment use. Accordingly, there is no conflict with Policy E5.'* Likewise it can be said for the current application that the use of the ground floor of unit D as a car showroom would fulfil the aims of policy E5 by providing an employment use of the site.
- 6.4 Furthermore, emerging policy ED2 states that within industrial areas proposals for new premises suitable for industrial, warehousing and similar types of uses (including premises, suitable for medium, smaller and start-up business) will be supported. Other uses will only be permitted if they are ancillary to industrial or warehousing uses, do not result in the loss of industrial or warehousing premises or demonstrate a sufficient benefit for the economy of the Borough.
- 6.5 Considering the proposal as a whole, which would provide for a total of 1,610 sq.m of floorspace to be used for a mix of office, light industrial and sui generis use, against the policy background (as set out above), and when viewed in comparison to the existing site, the proposal is considered to meet the aims and objective of both the adopted and emerging borough plan policies.

Issue ii – Impact on Character of the Area

- 6.6 With regard to bulk and scale of development, proposals are required to demonstrate compliance with the design criteria set out in the Ascot, Sunninghill & Sunningdale Neighbourhood Plan as well as Saved Local Plan policy DG1. In summary any scheme for this site will need to be of high quality design and appropriate to its context. The proposal would need to address the fact that whilst it lies within the business park, the east part of the site would be visible from the wider vicinity and is opposite residential properties which are more domestic in height and scale.
- 6.7 The proposed buildings are sizable, with pitched roofs heights ranging from 7.6m (at the rear) to 9.4m (at the front). These building heights are reflective of other buildings immediately surrounding the application site within the Industrial Park. The proposed footprints of the buildings would also be comparable to others within the Industrial Park. Units A-C would be set back from the front boundary of the site, common to Lyndhurst Road, such that the buildings would not appear over-bearing. Furthermore, these units would be viewed against the back drop of Ascentia House which is situated upon higher ground level than the application site. The most sensitively sited building, Unit D has been designed with a curved frontage addressing the street scenes of both parts of Lyndhurst Road (that which serves the business park and the main road to the east). Whilst the height of unit D would be materially higher than that of the nearby dwellinghouses, given its reduced mass at the eastern corner of the site and the fact that it would be set away from the road, means that its impact on the street scene and character of the area would be limited. Indeed when looking at the building from outside the business park, it would be viewed against the backdrop of other tall, large-scale buildings and thus would not appear out of context.
- 6.8 The design and appearance of the buildings would be similar to other modern buildings in the business park and therefore no objections are raised in this regard. The proposed materials would be agreed via condition.

Issue iii – Impact on Neighbouring Amenities

- 6.9 The nearest residential neighbouring occupiers are those within 1 and 6 Sunnybank which is a cul-de-sac on the opposite side of Lyndhurst Road to the business park. The distance between the front elevation of 6 Sunnybank and the closest part of Unit D would be approximately 28m with the main road separating the two sites. This distance is sufficient to ensure that the proposed building would not appear overbearing or intrusive when viewed from this neighbouring property. The private amenity area of this neighbouring property would be at an even greater distance away and therefore it is not considered that any harmful levels of overlooking would arise from the proposed first floor offices.
- 6.10 The applicant has not put forward any proposed hours of use, however given that the site lies on the edge of the business park with residential properties less than 30m away it is considered necessary to restrict hours of operation so that disturbance to residents is kept to a minimum. Neighbours have raised concerns relating to the hours of operation for the car showroom, offices and industrial units. It is noted from the planning records that the BMW site, to the south of the application site, has had applications refused for extensions to the operating hours for their workshop on a Saturday afternoon and to their normal operating hours on a Sunday on grounds of noise impact to neighbouring occupiers. It is therefore considered reasonable and necessary that the proposed use be restricted in terms of its hours of operation to be in line with those of the BMW garage also on the edge of Ascot Business Park. The car showroom and first floor offices (unit D) will therefore be restricted to weekdays and Saturdays and the Light Industrial units restricted to weekdays and Saturday mornings only.
- 6.11 The Environmental Protection Officer has not objected to the application with regard to noise or lighting but has recommended conditions in this regard

Issue iv – Highways & Car Parking

- 6.12 Favourable comments have been received from the Highways Authority with regard to the access arrangements, visibility, traffic generation and parking. The plans indicate that the existing vehicular access to the site will be retained to serve all 4 units with a new vehicular access joining Lyndhurst Road on the east of the site to serve to parking spaces. Visibility splays will be required to be met and this information has been requested by condition.
- 6.13 The site is within an accessible location as it is 140m from Ascot train station which provides a frequent service to London Waterloo, Guilford and Reading. Therefore under the Local Authorities current Parking Strategy (May 04) the maximum parking standards in areas of good accessibility will be required. B1 (a) and B1(c) require 1 car parking space to be provided for every 100sqm. It should be noted there is not a parking standard for a car dealership. Therefore an individual assessment has been made by the Highways Authority which concludes that the proposed units would require a total of 25 spaces. The proposed site plan shows that 31 car parking spaces will be provided together with 2 disabled spaces which is acceptable. The plans indicate that a large HGV will be able to enter and exit the site in a forward gear from each loading bay.
- 6.14 With regard to traffic generation the applicant has submitted a transport statement which concludes that the development will have the potential to generate 217 vehicle movements per day which is not objected to.
- 6.15 Details of cycle and refuse storage provision will be requested via condition. A construction management plan will also be requested via condition

Issue v – Trees & Landscape

- 6.16 The Council's Townscape Assessment identifies this location as an area where development proposals should aim to enhance landscaping and boundaries. All trees should be retained and enhanced where practical and meaningful landscaping should be introduced to the site wherever possible.
- 6.17 A tree survey and tree removal/retention plan has been submitted in support of the application and found acceptable by the Council's Tree Officer subject to condition.

Issue vi - Ecology

- 6.18 Given the nature of the site and its proximity to tree belts and woodland, a phase 1 habitats survey to assess the potential for the site to be used by any protected species was requested of the applicant. This has been received and favourable comments have been provided by the Council's Ecologist.

Issue vii - Drainage

- 6.19 The Lead Local Flood Authority have commented on the application. Whilst no in principle objection has been put forward in relation to surface water flooding, further information has been requested in the form of a drainage strategy. The recommendation is therefore subject to receipt of a satisfactory drainage strategy from the applicant.

Issue vii – Contamination

- 6.20 A phase 1 Environmental Risk Assessment has been submitted in support of the application. The Desktop study has identified potential sources of contamination associated with current and past uses and recommended ground investigation and chemical analysis. A Phase 2 intrusive investigation including soil sampling, groundwater and gas monitoring with proposed remediation measures is required and has been requested via condition.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

14 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 6th March 2018

1 letter was received either objecting to or supporting the application, summarised as:

Comment		Where in the report this is considered
1.	Noise from the car transporters to the BMW garage and from HGV/LGV lorries is already substantial	See sections 6.8-6.10
2.	What are units A-C to be used for and will they be open at weekends?	Units A-C are proposed to be light industrial use and opening hours would be restricted. Units A-C are proposed to be light industrial use and opening hours would be restricted.
3.	Is the car showroom to be open at weekends?	Opening hours would be controlled
4.	Will the car showroom be illuminated when it closed? Will there be outside lighting	Any external lighting would be controlled via condition
5.	Will there be overlooking from the first floor office space?	Overlooking from the first floor offices would be minimal
6.	There is no side view of unit D	The south/east elevation of unit D is curved, hence there is no side view

1 letter was received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	Noise and light pollution affecting neighbouring properties. BMW have applications turned down for this reason. Any extension to trading hours on a Saturday and/or Sunday will have a major impact on quality of life	See sections 6.8-6.10

2.	Office development will look directly into neighbouring gardens	The proposed offices would be sited sufficiently far enough away from neighbouring gardens so as to result in minimal overlooking to neighbouring occupiers
3.	Parking is insufficient at present. Where are they going to put more cars? The junction on the proposed site is dangerous	The Highways Authority have advised that car parking is sufficient for the proposed development
4.	Insufficient neighbour notification	Neighbour notification has been carried out in accordance with statutory requirements, including letters and a site notice

Statutory consultees

Consultee	Comment	Where in the report this is considered
LLFA	The applicant is required to submit a drainage strategy.	Section 6.19

Other consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection subject to conditions	See section 6.12-6.15
Parish Council	No Objections subject to adequate on site parking	See section 6.12-6.15
Trees	No objections subject to conditions	See section 6.12-6.15
Ecologist	No objections subject to conditions	See section 6.18

9. APPENDICES TO THIS REPORT

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

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

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

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

- 2 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1
- 3 No development shall take place until a detailed plans showing the existing and proposed ground levels of the site together with the slab and ridge levels of the proposed development relative to a fixed datum point on adjoining land outside the application site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
Reason: In the interest of the visual amenities of the area. Relevant Policy - Local Plan DG1.
- 4 Prior to the commencement of any works or demolition a construction management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5
- 5 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1
- 6 No part of the development shall be commenced until visibility splays of 43 metres by 43 metres have been provided setback 2.4 metres. All dimensions are to be measured along the edge of the driveway and the back of footway from their point of intersection. The areas within these splays shall be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.
Reason: In the interests of highway safety. Relevant Policies - Local Plan T5
- 7 No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1
- 8 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 9 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1

10 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;
- as assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, adjoining land, groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments:
- an appraisal of remedial options, and proposal of preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme. A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting Unexpected Contamination In the event that contamination is found at anytime when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is the subject of the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of (x) years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policy Local Plan NAP4.

11 No lights shall be permanently illuminated except for lighting approved for security purposes. Prior the installation of any external security lighting, details shall be submitted to and approved in writing by the Local Planning Authority and external security lighting shall not otherwise be illuminated. Furthermore, in line with recommendations made in the ecology report, the lighting scheme should be wildlife sensitive to avoid light spillage onto the proposed boundary vegetation and any bird or bat boxes.

Reason: To protect the amenity of the area and prevent light nuisance and result in minimal harm to wildlife. Relevant Policy - Local Plan NAP3

12 The rating level of the noise emitted from plant and equipment shall not exceed the existing background level (to be measured over the period of operation of the proposed plant and equipment and over a minimum reference time interval of 1 hour in the daytime and 15 minutes at night). The noise levels shall be determined 1m from the nearest noise-sensitive premises. The measurement and assessment shall be made in accordance with BS 4142: 2014.

Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.

13 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. Opportunities to incorporate biodiversity in and around the development should be provided, to include bat and bird boxes. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.

15 The use of units A-C (B1c light industrial units) hereby permitted shall only be between the hours of 0800-1830 hrs Mondays to Fridays, 0800-1300 hrs on Saturdays and at no time on Sundays, Bank or Public Holidays. The use of Unit D (the car showroom and offices) hereby permitted shall only operate between 0800-1830 hrs Mondays to Fridays; 0900-1700 hrs on Saturdays and at no time on Sundays and Public Holidays/Bank Holidays.

Reason: To protect the amenities of the neighbourhood and to accord with the Local Plan Policy NAP3.

16 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 approval 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.

- 17 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping 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 same size and species unless the Local Planning Authority give its prior written consent to any variation.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.

- 18 There shall be no external storage including plant or machinery, outside the units hereby approved without the express permission of the Local Planning Authority by way of a planning application.

Reason: To ensure the Local Planning Authority has full control of any future additional machinery, which could adversely affect the amenity of the neighbouring residential properties. Relevant Policy - Local Plan NAP3

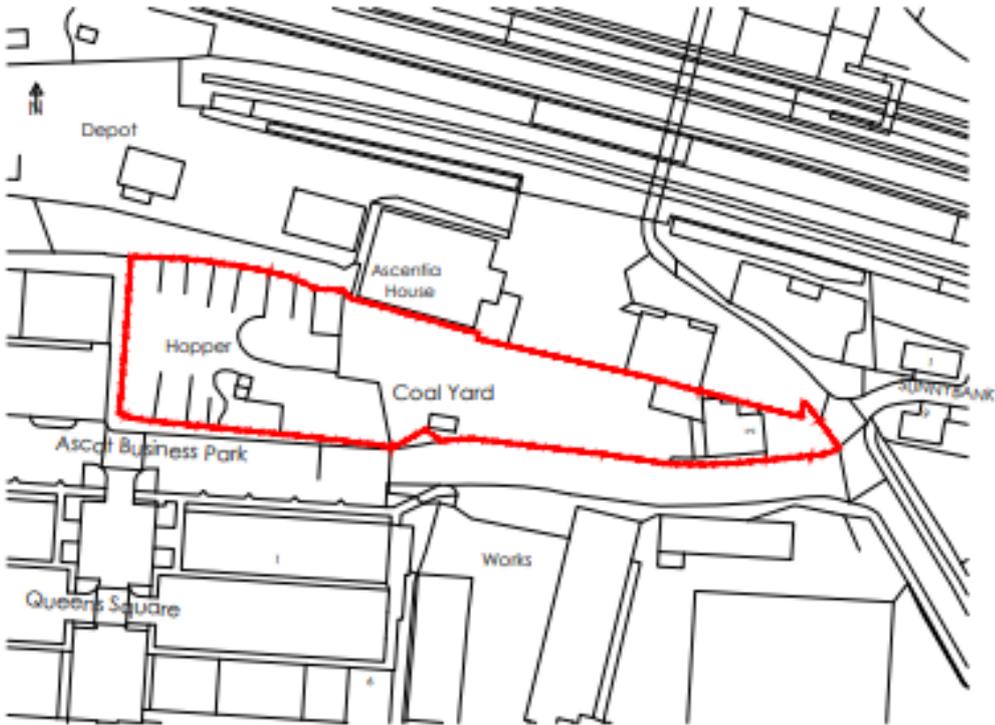
Informatives

- 1 The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks' notice to obtain details of underground services on the applicant's behalf.
- 2 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, and Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 3 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 4 Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from the Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR and, at least 4 weeks before any development is due to commence.
- 5 No builder's materials, plant or vehicles related to the implementation of the development should be parked / stored on the public highway so as to cause an obstruction at any time.
- 6 The site may be used by breeding birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended. To ensure that nesting birds are not harmed as a result of the development, any vegetation clearance or building demolition should be undertaken outside of the bird nesting season, or if that is not practical, areas to be cleared should be checked immediately prior by a suitability qualified ecologist.
- 7 Where noise complaints from residents or businesses are likely then the permitted hours of operation for noise generating activities are restricted to standard hours: Monday-Friday
08.00-18.00 Saturday 08.00-13.00 No working on Sundays or Bank Holidays.
- 8 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental

Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning.

- 9 The applicant and their contractor should take all practicable steps to minimise dust deposition outside the site boundaries which is a major cause of nuisance to residents living near to construction and demolition sites. All loose materials should be covered up or damped down by a suitable water device, all cutting/breaking is appropriately damped down, the haul route is paved or tarmac before works commence and is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance: the London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities.

Location plan



LOCATION PLAN
SCALE 1:1250

Proposed site plan



NOTES:

TOTAL SITE AREA: 0.3462 HA / 0.842 ACRES
 BUILDING AREA: 1.61020 M² / 17.32 FT²
 CAR PARKING: 33 NO. (1 PER 48.79 M²)
 COVERAGE: 47.2%

A - C FRONT & SIDE LOADED INDUSTRIAL UNITS
 - SINGLE STOREY
 D TWO STOREY BUILDING WITH CAR SHOWROOM ON
 GROUND FLOOR AND OFFICES ON FIRST FLOOR

AREA SCHEDULE

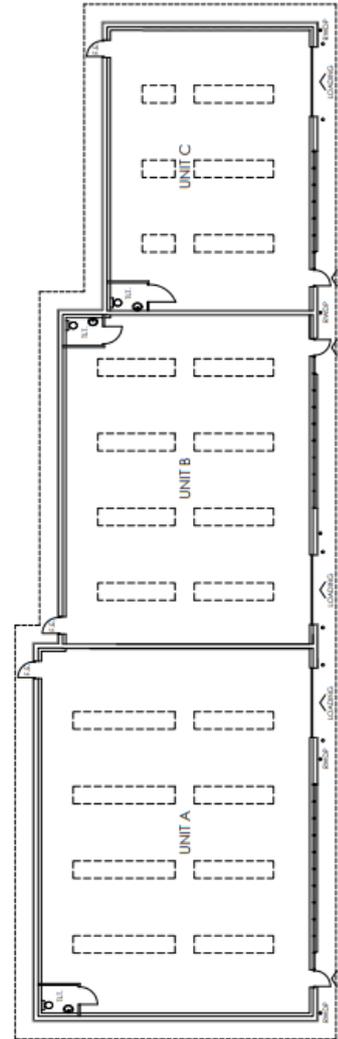
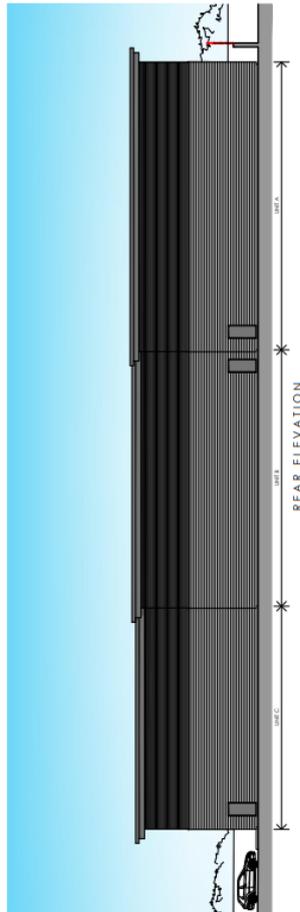
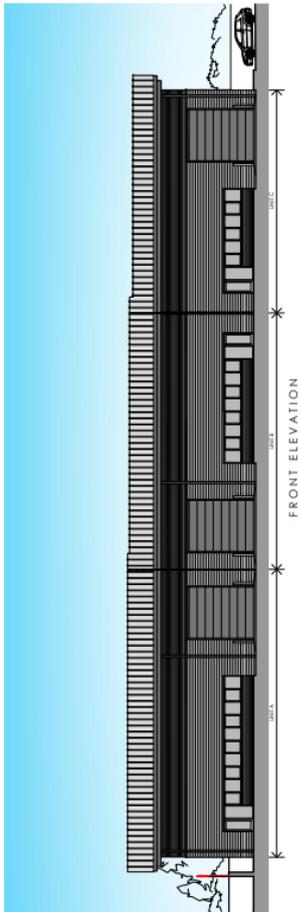
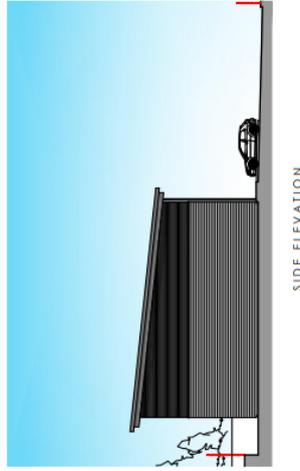
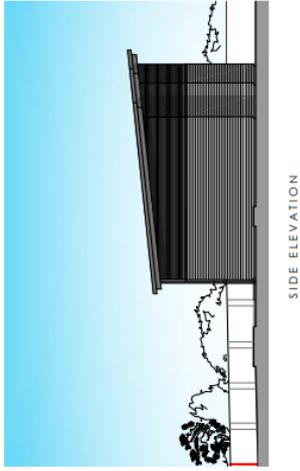
- A. 3,748 SQFT (346.24 M²)
- B. 3,052 SQFT (283.56 M²)
- C. 2,196 SQFT (204.00 M²)
- D. 8,338 SQFT (774.40 M²)

PLANNING

A. PLANNING ARCHITECT
 REV. ARCHITECT
 NO. 2018 04
 DRAWN: LUE
 CHECKED: JUBIN
 DATE: 2018 04
 SHEET: 01
 STEP PROPERTY LIMITED

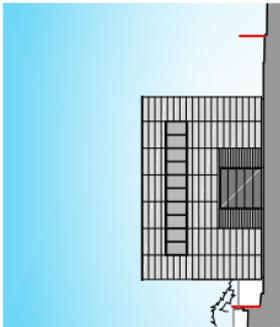
Units A-C

Floor plans and elevations

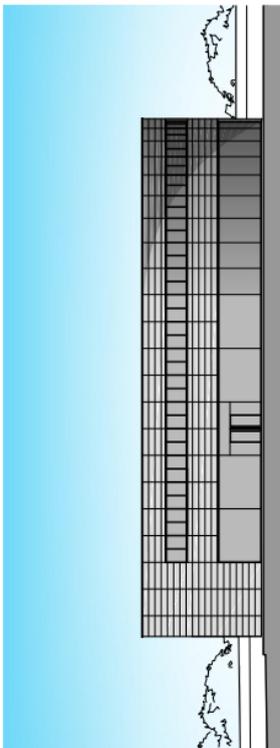
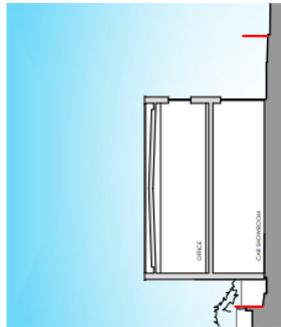


Units D

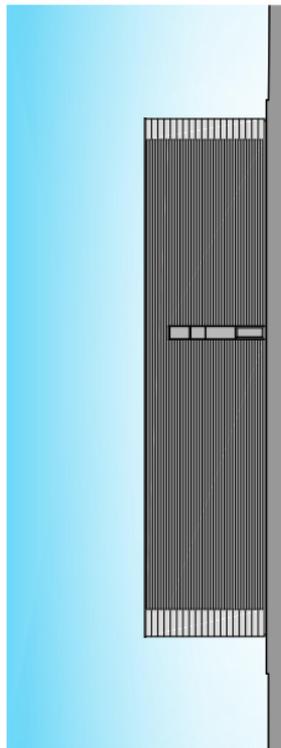
Floor plans and elevations



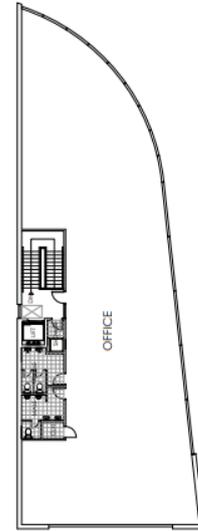
SIDE ELEVATION



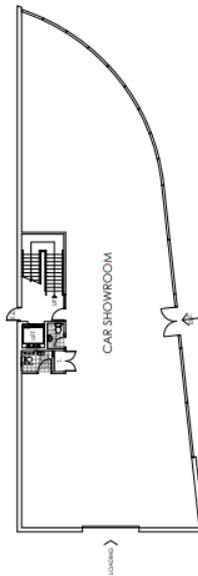
FRONT ELEVATION



REAR ELEVATION



FIRST FLOOR PLAN



GROUND FLOOR PLAN

Street scene elevation

