

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

DEVELOPMENT CONTROL PANEL

4 September 2019

Item: 1

Application No.:	16/01725/FULL
Location:	Charles Morris Fertilizer Hythe End Farm Hythe End Road Wraysbury Staines TW19 5AW
Proposal:	Replacement concrete surfacing associated with the lawful storage and processing of waste material, with associated drainage infrastructure and access ramps (part retrospective)
Applicant:	Mr Fowles - Fowles Crushed Concrete Ltd
Agent:	Mr Guy Titman - MJCA
Parish/Ward:	Wraysbury Parish/Horton & Wraysbury Ward

If you have a question about this report, please contact: Victoria Goldberg on 01628 683551 or at victoria.goldberg@rbwm.gov.uk

1.0 SUMMARY

- 1.1 The application seeks planning permission for replacement concrete surfacing, the erection of ramps to serve the existing weighbridge and associated drainage infrastructure used in conjunction with the lawful use of the site as a waste transfer/sorting facility. The development detailed is located within the existing waste transfer station, and is largely hidden from public view being in close proximity to trees which effectively screen the site. The development that is the subject of this application is considered to be an appropriate form of development in the Green Belt as the works fall within the definition of 'engineering or other operations' and would preserve openness and would not conflict with the purpose of including land within it. Additionally the negative less than negligible impact on flood risk, is considered acceptable when weighed against other material considerations.
- 1.2 Should the panel resolve to authorise the approval, the application will require referral to the National Planning Casework Unit as the development comprises 'flood risk area development' to which the Environment Agency has made an objection that it has not been able to withdraw as defined under the Town and Country Planning (Consultation) (England) Direction 2009.

It is recommended that the Panel DELEGATES the authority to GRANT planning permission to the Head of Planning (with any conditions deemed appropriate, if any) following confirmation from the LLFA that the drainage details are acceptable and referral of the application to the National Planning Casework unit.

2. REASON FOR PANEL DETERMINATION

- At the request of Cllr Lenton in the event that the application is recommended for approval by officers.
- The Head of Planning considers it appropriate that the Panel determines the application, irrespective of the recommendation.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located between Hythe End Road to the West, the River Thames to the South and Ferry Lane to the North and East. It is bisected by the Thames relief corridor and the site access is on Hythe End Road. The site is separated from the surrounding area by an approximately 4-5 m high vegetated earth bund.
- 3.2 The site lawfully operates as a waste transfer station and there are a variety of structures and stockpiles on site that are used in conjunction with the lawful use.
- 3.3 Located to the northwest is the site of a plant maintenance building which is being considered under a separate planning application. Residential properties lay to the east of the site beyond tree screening. A collection of industrial buildings are located to the north east, opposite the existing site entrance.
- 3.4 The site is located within the Green Belt and Flood Zone 3 and 3b.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal seeks full planning permission for the replacement of existing concrete surfacing on part of the site, ramps to access the weighbridge and associated drainage infrastructure. The planning unit covers an area of approximately 7.6ha and is accessed from the north. This application only relates to the southern section of the site which covers an area of approximately 3.2ha. The extent of the application site is detailed in Appendix 2.
- 4.2 The concrete surfacing subject of this application is largely in place, and in that respect the application is retrospective. The concrete has also necessitated the installation of a sealed drainage system to capture surface water, in accordance with guidelines published by the Environment Agency that relate to waste management facilities. The applicant states that the requirements for the concrete surfacing is a requirement of their Environmental Permit. It is also asserted that a large proportion of the works for which planning permission are sought fall within Permitted Development for the site. Nevertheless, as a planning application has been submitted, it will be determined on its merits.
- 4.3 No structures are proposed as part of the proposal.

Ref.	Description	Decision and Date
97/76220	Land to the east of Hythe End Road] Application to ensure that the conditions on the existing old permission concerning operations and restoration are in accordance with the Environmental Act 1995	No objection 1998
75746	Certificate of Lawfulness for an existing use for the storage and processing of excavated / dredged building materials, timber and associated plant and machinery	Approved 9.9.98
02/82412	Erection of 2.4m high compound fencing and retention of existing earth bund	Approved 3.3.05
02/82413	Erection of new gates and fence, wheel wash and weighbridge with widening of existing gateway and	Refused and allowed on appeal 20.1.05

	alterations to concrete hard surfacing (retrospective)	
06/00438	Enforcement Notice relating to the erection of two port-a-cabins, formation of concrete road and relocation of a weighbridge	Allowed on appeal 6.3.07
10/02574	Replacement of two port-a-cabins	Refused and allowed on appeal. Appellant granted a full award of costs against the Council as the Council was unable to reasonably justify the refusal of the application. 2.9.11
11/02599	Installation of security / safety lights (part retrospective)	Application withdrawn
12/00012	Installation of security / safety lighting (part retrospective)	Refused and appeal dismissed.
12/00015	Installation of metal security fencing and gates.	Part refused.
12/01230	Erection of metal security fencing and gates (retrospective) (to the east of Hythe End Road)	Granted
12/01431/FULL	Installation of two vehicular barriers	Refused, 30.08.2012
16/02366/FULL	Detached building for the maintenance of plant and machinery associated with the storage before and after processing and processing of waste materials which is the subject of a Certificate of Lawful Use dated 9 September 1998 (retrospective)	Recommended for approval on this agenda
18/02581/FULL	Replacement concrete surfacing associated with the lawful storage and processing of waste material, with associated drainage infrastructure and speed bumps (part retrospective).	Recommended for approval on this agenda

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Paragraphs:

133, 134, 146 referring to Green Belt land.

5.2 Replacement Waste Local Plan

Sustainable Development	Land Raising	Is Development Needed	Waste Management Facilities – non-landfill	Assessing the Impact of Development Proposals
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WLP1	WLP3	WLP27, 28, 29	WLP16	WLP30
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Royal Borough Local Plan

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

Within Settlement Area	Highways and Parking	Flood Risk	Trees	Green Belt	Setting of the Thames
DG1	T5	F1	N6	GB1, GB2	N2, N3

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
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
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 detail in the assessment below.

This document can be found at:

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

Supplementary planning documents

- 5.4 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

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

- i Need for the Development
- ii Impact on character and appearance of the area
- iii Impact on the Green Belt
- iv Impact on Highway Safety and Capacity
- v Land raising
- vi Impact on Flood risk
- vii Impact on setting of the Thames

i. Need for Development

- 6.2 The planning unit currently operates as a waste transfer site. The use is in accordance with the Lawful Development Certificate granted in 1998 (97/75746) which has the following description:

'storage before and after processing and processing of excavated/dredged/builders material, timber with associated plant and machinery'.

- 6.3 The activities and processes carried out at the site comprise the keeping and treating of waste materials. Processing includes shredding, screening, sorting, crushing, compacting and baling waste using associated plant and machinery. These activities fall within the remit of the certificate and are also regulated by the Environment Agency under their Environmental Permitting regime. Environmental Permits are issued subject to conditions which can include the requirement to conduct operations on fully

sealed surfaces to prevent any pollutants entering either the ground strata, or watercourses.

6.4 In this regard, Policy WLP1 advises that:

'In identifying land or considering proposals for waste management development the Local Planning Authorities will have regard to the extent to which the development is sustainable in form and location and helps to conserve natural resources and the human and natural environment, and minimises traffic congestion, travel distances, waste generation and pollution, and adverse impacts on humans and the natural environment.'

6.5 The submitted supporting statement indicates that the site benefits from existing concrete surfacing, some of which was installed prior to the site being occupied by the applicant. Due to the poor state of repair of the surfacing, replacement was considered more appropriate than repair. It has been contended during the consultation process, that even though the applicants state that the site benefitted from a fully concreted surface prior to the installation of the replacement surfacing, local residents argue that there was only limited concrete surfacing prior to the occupation of the site by the applicant. It has also been suggested that, despite the detail within the supporting statement suggesting that the replacement concrete works maintain the original land levels with the exception of a portion of the site in the south east section of the site, land levels have been raised significantly, with some residents suggesting that the levels have been raised by as much as 1.5 metres. Such detail will be considered in following sections, with this section being concerned with the need for, and principle of, the development. Given the status of the site as a lawful existing waste management facility that is currently operating under the terms of an Environmental Permit, the proposal for replacement surfacing is considered to accord with the aims and objectives of Policy WLP1. Further detailed assessment of the relevant provisions will be undertaken in the following sections.

6.6 In addition, Policy WLP16 advises that:

'Outside Preferred Areas, proposals for waste management development other than landfill will normally be permitted on sites within existing permanent waste management facilities or within existing or proposed industrial areas [i.e. areas containing a proportion of uses in the Use Classes categories B2 to B8), subject to:

- (i) consideration of environmental impacts; and*
- (ii) the proposals overcoming or accommodating all constraints deriving from the considerations set out in Policies WLP27 and WLP29 to WLP33 and all other relevant policies of the Plan.'*

In this context, the site is part of an existing waste management development that is not within one of the preferred areas as identified by the Waste Local Plan (WLP). The principle of new development on the site is therefore acceptable in principle, subject to adequately demonstrating that the remaining relevant policies of the plan, and any other relevant policies, have been met.

Such an assessment will be undertaken in the following sections of the report.

ii. Impact on Character and Appearance of the Area

- 6.7 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) that describes the site, the nature of the development and what impacts, if any, the development would have.
- 6.8 The site is not located within any nationally designated landscapes, such as an Area of Outstanding Natural Beauty, Historic Parks or Gardens or National Parks. The site is located within the Green Belt, which will be considered separately. The site is defined in the Local Character Assessment for the Borough of Windsor and Maidenhead as Landscape Character Type 14 (LCT14): Settled Developed Floodplain. LCT 14 is characterised by the wide slow moving river corridor with associated river edge and woodland habitats and broad open floodplain comprising a fragmented landscape pattern, degraded edge of town landscape, with a mix of modern areas, including industrial estates sewage works and horse paddocks. Some of these areas suffer from neglected boundaries; fly tipping, active gravel extraction works, woodland, settlements, transport corridors and overhead aviation noise. The site is further located in LCT14c which is also characterised by artificial slopes of water storage reservoirs, ancillary buildings, fly tipping and a fragmented network of public paths. The overall appearance of the area is described as being 'disparate and somewhat scruffy'. Despite this categorisation, any development that would further exacerbate this situation through additional impacts on the visual appearance of the area should not be permitted merely to maintain the status quo. Opportunities for improvement should be sought. It is considered due to the limited visibility of the site from publicly accessible vantage points, and the benefits that consolidating the surface would have in terms of improving site operations and reducing negative impacts often associated with waste management facilities, such as dust generation, would generally be beneficial and weigh in favour of the development.
- 6.9 The existing site, with its lawful use as a waste management site, has an industrial appearance and character with various stockpiles of both processed and unprocessed material, machinery, storage bays, surfacing and other site infrastructure. Given the appearance of the site and its general industrial appearance and its existing lawful use, it is not considered that replacement concrete surfacing, and the associated drainage works would have a significantly adverse impact on the character and appearance of the area.
- 6.10 Due to the general lack of visibility of the site from publicly accessible areas, it is unlikely that the replacement surfacing will be perceived within the environment as adding to, or detracting from, the character of the area. Due to the existing site context it is considered unlikely that the replacement surfacing and associated works would result in a harmful impact on the character or appearance of the area. The LVIA concludes that the replacement surfacing, concrete ramps and drainage infrastructure would have a neutral effect on the character and appearance of the area.

iii. Impact on the Green Belt

- 6.11 The site is located within the Green Belt, and as such must accord with the various Policy Provisions of the NPPF, WLP and The Royal Borough of Windsor and Maidenhead Local Plan.
- 6.12 Paragraph 133 of the NPPF advises that:

'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

- 6.13 The NPPF lists appropriate forms of development within the Green Belt at paragraphs 145 and 146. Paragraph 146 details that 'engineering operations' would not be inappropriate development in the Green Belt provided they preserve openness and do not conflict with the purposes of including land within it.
- 6.14 Policy GB1 of the Local Plan advises that approval will only be given, save in very special circumstances, for ...'engineering and other operations ... which maintain openness and do not conflict with the purposes of including land in the Green Belt'.
- 6.15 In an appeal decision for the erection of entrance gates, a weighbridge and hard standing on the site, (reference APP/T0355/C/04/1161958 and A/1161848) the inspector concluded that hard standing would fall within 'engineering and other operations' as defined by Policy GB1 and was therefore not considered to be inappropriate development within the Green Belt. In this context, it is also considered that the drainage works and access ramps to the weighbridge would also fall within this definition, given the inclusion of the weighbridge in the former appeal decision. Therefore the principle of the works for replacing the hard surfacing, drainage and ramps for the weighbridge are considered to be forms of development that have the potential to be acceptable within the Green Belt in light of the NPPF and Policy GB1 of the Local Plan. It is however necessary to consider whether the development would have a greater impact on the openness of the Green belt than existing development on site (compliance with local plan policy GB2) or have a detrimental impact on the openness of the Green Belt or conflict with the purposes of including land within it to comply with the NPPF.
- 6.16 In terms of the works that are the subject of this application, they are located within a site that is already characterised as a waste management facility, and would be located in a position on the site in close proximity to stockpiles of material in association with the lawful use. The laying of the concrete introduces proportionately limited volume on to the site and the development would be sited in and amongst existing site features, such as storage bays with pushing walls, stockpiles of sorted and unsorted materials, plant, machinery, vehicles, skips, and office buildings located on the site. The spatial impact of the concrete introduced is considered to be relatively limited in the context of the operation of the site and is located in such a position that it is afforded significant screening from publicly accessible viewpoints which means that its' visual impact is very limited. Given the presence of the other elements already present upon the site, the site has a general industrial appearance, and the addition of the concrete surfacing would be read in conjunction with the existing use of the land. The existing site has a number of site offices and staff facilities and along with the presence of the industrial buildings and works further to the east, there is already a built up industrial feel to parts of the area. The presence of stockpiles of material adds to this feel. In this context the surfacing, drainage works and weighbridge ramps are not considered to have a materially greater impact in spatial or visual terms than the existing lawful use of the site. Given the above assessment it is considered that these engineering works are appropriate development within the green belt.

iv. Impact on Highway Safety and Capacity

- 6.17 The proposals make provision for the replacement of existing hard surfacing, and the upgrading of site drainage and the installation of ramps for the existing weighbridge. They do not indicate that there would be a likelihood of a material change in the amount of vehicular traffic entering the site. It should also be noted that the site currently operates under a Certificate of Lawful Development where there is no restriction on the number of vehicles that can access the site.

6.18 In addition to the above, it is noted that the Local Highway Authority raised no objections to the proposals.

v. Land Raising

6.19 During the course of the application a number of local residents have expressed concerns that in order to facilitate the surfacing of the site, additional material has been imported and tipped in the location that now forms the area of hardstanding.

6.20 Policy WLP3 refers to land raising, which can be best be described as the disposal of waste on land which results in the artificial raising of the natural ground level. Policy WLP3 does not support the disposal of waste material through land raising, which instead should be diverted to other uses in order to drive waste up the waste hierarchy. Land raising is considered to be the least desirable use for material.

6.21 Whilst the applicant does not suggest that any significant level changes have been made, the representations from residents dispute this. The application was accompanied by a topographical plan showing the site levels at the present time (post surfacing), and a number of other plans indicating the existing private ways located on the site. These plans do not suggest that land raising has taken place. In addition, the Council has records from historic planning applications, and whilst these do include topographical surveys, it is inconclusive as to whether there has been any significant land raising undertaken on site as the data points do not directly correlate with one another. Therefore it is not possible to make a like for like comparison to establish whether land raising has taken place with any degree of certainty.

6.22 However, the Environment Agency has detailed records for land levels of various sites across the country, the subject site being one of these examples. The sites are overflowed by aircraft which then measure the site levels AOD (Above Ordnance Datum) using LiDAR (Light Detection and Ranging). These records date back to the early 2000's and would help to establish whether any land raising has taken place.

6.23 On the basis of their analysis the Environment Agency has advised that land raising has taken place at the site but this has been historic with land raising principally occurring between 2003 and 2009. This land raising is considered lawful by virtue of S171b (1) of the Town and Country Planning Act, i.e. it is immune from enforcement action as more than four years has passed since the work was substantially completed. As a result it is unconnected to the development that is the subject of this application.

vi. Impact on Flood Risk

6.24 The site is at high risk of flooding, it is positioned within Flood Zone 3, with part of the site being within the Functional Floodplain, also known as Flood Zone 3b.

6.25 Paragraph 155 of the NPPF states that *'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'*.

6.26 Paragraph 163 further stipulates that when determining applications, Local Planning Authorities (LPAs) should not increase flood risk elsewhere. Where appropriate, applications should be supported by a site specific flood risk assessment and development should only be allowed in areas at risk of flooding where, in the light of

this assessment and the sequential and exception test (as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

6.27 The applicant in a letter dated the 27th May 2016 submitted with the application form states the following:

'The fundamental principle of the development the subject of this application is to provide improved concrete surfacing for the continued management of the materials at the existing consented waste management facility. The facility already exists there are, in effect no locations at a lower risk of flooding where the development can be carried out'.

6.28 Whilst it is recognised that the applicant has technically failed to comply with the sequential test, the *'development that is the subject of this application relates to an already developed site, and therefore a sequential test is unnecessary (Watermead Parish Council v Aylesbury Vale District Council Crematoria Management Ltd 2017)*. The site lawfully operates as a waste transfer site and the concrete surfacing is a requirement of the environmental permit required to operate the lawful use. It is neither logical nor reasonable to consider that the concrete surfacing, weighbridge and associated drainage is located elsewhere, it is essential to the lawful use of the application site. The NPPG (033 Reference ID: 7-033-20140306) acknowledges that there needs to be a pragmatic approach on the availability of alternatives and gives the example of extensions to an existing business premise. It further details that in instances such as this, it is impractical to suggest a more suitable alternative location; and it is considered that a pragmatic approach such as this is required in determining this application.

6.29 The development that is the subject of this application relates to a waste treatment site which is classified as 'less vulnerable development' in accordance with table two of the NPPG. Tables 1 and 3 of the NPPG (refs 7-065-20140306 and 7-067-20140306) detail that less vulnerable development is acceptable in Flood Zone 3a but not in 3b. The extent of Flood Zone 3b is mapped in the Borough's Strategic Flood Risk Assessment (SFRA) which illustrates that the majority of the application area is within Flood Zone 3, thus making the development largely compliant with the NPPG.

6.30 The applicant submitted a Flood Risk Assessment in May 2016 and this was updated in January 2017 following a consultation response from the Environment Agency dated 16th September 2016 confirming that they object to the development. The Environment Agency was re-consulted on the January 2017 FRA and the consultee response was received in March 2019. This response maintained the Environment Agency's'

objection due to the absence of an acceptable FRA. In particular the EA raised the following points:

- The changes in ground level associated with the concrete surfacing are unclear. The thickness of concrete is not documented and it is not clear if material was removed before building ground levels back up to the 2016 levels.
- There are discrepancies in the visual representation of screening bunds, which is important in understanding how fluvial flood water will enter the site.
- The comparison between ground levels using hydraulic modelling suggests that there will not be a change in flood levels outside the application site. However, the modelling does not accurately; reflect conditions within the site.
- The EA does not accept the suggestion that compensatory floodplain storage does not need to be considered in this location due to the potential construction of the River Thames Scheme as this is not considered to be a material planning consideration. Hydraulic modelling is a useful tool in assessing the effect of replacing the concrete on flood flows and storage but does not negate the need to consider mitigation for loss of floodplain storage through the provision of compensatory storage.
- The Flood Risk Assessment outlines how a compensatory floodplain storage scheme could be implemented. The provision of level for level compensatory storage is the preferred method of mitigation. This is achieved by assessing losses of storage in depth 'slices' and removing material to an equivalent depth, using the same slices, from an area outside the floodplain. This approach is considered in the report but the EA is unclear how this would be implemented

6.31 The applicant responded to the points above and following receipt of this response, the Environment Agency has confirmed the objection is maintained in respect of the two points relating to compensatory floodplain storage, but the other matters have been resolved.

6.32 Further to the above, as a result of an unrelated investigation by the Environment Agency, site specific flood modelling has been carried out relating to the application site which refers to the importation of material and resultant increase in land levels at the site and the associated flood risk since 2003. The scope of this modelling exceeds what can be considered in the context of this application as the historic land raising at the site since 2003 has resulted in parts of the site having an elevational change in the order of 0.5 m -1.5 m. The results of this modelling conclude that the land raising that has occurred at the site since 2003, has resulted in a negligible negative impact to flood risk. With reference to the development that is the subject of this application, the applicant has stated that land levels recorded during the 2015 topographical survey are approximately the same as the levels recorded during the 2012 survey with the exception of a small area in the south east of the site, thus demonstrating that land levels have largely been unaltered as a result of the development. The only exception being in the south east of the site where the level was raised slightly from the 2012 level to provide a level site surface. In light of this evidence, it is concluded that the site levels have not changed significantly as a result of the work detailed in this application and therefore the development will not have a significant adverse impact on flood risk.

6.33 This point is empathised by the fact that the Environment Agency has concluded that historic land raising at the site which has significantly raised land levels has had a

negligible impact on flood risk, therefore the impact of the development that is the subject of this application will be less than negligible.

- 6.34 On the 5th July 2019 in a meeting between the applicant, RBWM and the EA following the publication of the site specific flood modelling, the Environment Agency confirmed that it would not remove the objection to the development that is the subject of this application without agreeing mitigation in the form of compensatory floodplain storage. This is on the basis that the work that is the subject of this application has had a negative impact albeit negligible.
- 6.35 At the meeting the applicant did indicate that they may be willing to agree to the removal of the perimeter bund and its replacement with acoustic fencing as a form of compensatory floodplain storage. The applicant undertook a feasibility study and a draft condition was agreed between parties. However, the applicant is unwilling to change the description of development so that the condition can be imposed and therefore the scheme must be considered in the absence of the compensatory flood plain storage.
- 6.36 Whilst it is accepted that the development contributes in part to a negative negligible impact on flood risk and cumulative flood risk, this impact must be carefully balanced against the material considerations that weigh in favour of the development. The fact that it is required in connection with the existing lawful use of the site, it has the benefit of preventing pollutants entering either the ground strata, or watercourses, the use of the site is less vulnerable in terms of flood risk, the associated drainage detailed is adequate (subject to LLFA approval) and there are no other issues that weigh against the proposal, it is considered that on balance the development that is the subject of this application is acceptable.

vii. Impact on the Setting of the Thames

- 6.37 Proposals that are located within the setting of the river Thames should either conserve or enhance the character of the Thames corridor. In this regard, Policy N2 provides the relevant guidance on the criteria development must meet in order to be judged acceptable. The criteria are as follows:
- 1) The character, height, scale and bulk of the development respects the water frontage together with adjoining development and land uses;
 - 2) The protection of important views of and from the river;
 - 3) The retention of existing waterside buildings where these are considered to be of merit, especially traditional boatyards;
 - 4) The retention of tree-cover and the conservation of the ecological value of the area, particularly the retention of vulnerable meadow- land;
 - 5) Existing public access should be retained and, in appropriate locations, the provision of new public access will be sought.
- 6.38 As discussed in previous sections, the site is afforded substantial screening by virtue of the existing tree planting and bund around the perimeter of the site. The proposals do not result in any development that would extend significantly above ground level, nor have any appreciable bulk that would be perceptible from the river Thames passing the site, or in views where the site may be seen in conjunction with the river. The development would not

result in any impact on existing waterside features, nor is any tree felling proposed as part of the proposal. Public access to the site is not permitted, and no public rights of way cross the site.

6.39 In is therefore concluded that the development detailed maintains the character of the river Thames at this location and is therefore considered acceptable.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

7.1 The development is not CIL liable.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

16 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site.

The application was advertised in the Maidenhead Advertiser on 9 June 2016.

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

Comment		Where in the report this is considered
1.	The proposal is in an area of high flood risk and contravenes Policy F1 of the Local Plan and EA guidance.	6.24-6.36
2.	Proposal results in an increase in the prevailing land levels.	6.19-6.23

3.	Increased noise, visual disturbance.	Noted; however, the proposal currently before the Council seeks planning permission for replacement concrete surfacing. The use of the site is existing and operates under a lawful development certificate which has no limitations on the stockpiles that may be stored on site, the hours of working etc. The site also operates with the benefit of an Environmental Permit from the Environment Agency. Whilst both are required for the site to operate, both decisions are taken through the relevant framework applying to each regulatory regime. It is not considered the proposal would impact on the use of the site or its level of intensity.
4.	The concrete surfacing is described as being replacement, but there is no evidence that this is the case. The fact the present surfacing may be a replacement surface adds no weight to the planning argument.	Noted; see section 6.5 – 6.21.
5.	Proposal fails to preserve the openness of the Green Belt.	6.11-6.16
6.	Road is covered in muck/water to keep dust under control.	This is not a matter for consideration under the current planning application, as the site surfacing will complement the use rather than alter it. However, the surfacing should have the benefit of reducing the level of material that is dragged from the site to the road as lorries wheels will be cleaned by the hard surfacing.
7.	Increased traffic and therefore risks to highway safety.	Noted; however, the site has no limitations on vehicle movements in planning terms and therefore it would be unreasonable to now impose movement restrictions of an application to install/renew site infrastructure.
8.	Impact of proposal on Protected Trees.	

Consultees

Consultee	Comment	Where in the report this is considered
Wraysbury Parish Council	Strongly object on the grounds that legal action is being taken by the EA as to the use of this site. There is no planning to allow for concrete crushing. A bond should be obtained to ensure the restoration of the site.	This is beyond the scope of what can be considered.
Environment Agency	Objection maintained in the absence of compensatory floodplain storage.	Noted.
Lead Local Flood Authority	<p>The following additional information is required to enable this planning application to be considered further:</p> <p>Full design calculations for the proposed drainage system to prove that it is adequately sized to deal with all events up to and including the 1% annual probability rainfall event including allowance for the effects of climate change. This should explicitly include an appropriate freeboard allowance.</p> <p>Evidence of the volume of storage available on the concrete area retained by the proposed raised kerbs. This should be a drawing illustrating the volume of storage available at 100mm intervals and the area this volume would occupy.</p> <p>This information has been provided and we are currently waiting for this information to be reviewed.</p>	Panel update to be provided
Local Highway Authority	No objection	Noted.
RBWM Environmental Protection Officer	No comments received.	Noted
RBWM Ecologist	No comments	
Runnymede Council	No comments received.	Noted
RBWM Tree Officer	<p>There is a Tree Preservation Order 1 of 2007 which mainly covers woodland strips which predominately bound the application site.</p> <p>It appears the new area of proposed concrete is extending close to the edge of the protected woodland, to the south and east. A British Standard 5837 complaint tree survey must therefore be submitted along with a tree protection plan. The root protection areas must be overlaid onto a proposed layout plan. Unless this is submitted it will be difficult to ascertain the impact of the proposal on trees and whether there is an ability to protect those trees. In the absence of this information, I recommend refusal of the application under N6.</p>	In light of the fact that this is replacement concrete surfacing and that a large perimeter bund lies between the concrete surface and the TPO woodland strip it is not considered that the development will adversely

		affect protected trees.
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Other consultees

Consultee	Comment	Where in the report this is considered
Thames Water	No comments received.	N/A

9. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan
- Appendix B – Summary Site plan

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED