

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

**DEVELOPMENT MANAGEMENT PANEL**

21 October 2020

Item: 1

<b>Application No.:</b>	19/03287/FULL
<b>Location:</b>	Ruddles Pool Maidenhead Road Windsor SL4 5TW
<b>Proposal:</b>	Part change of use of dwelling (C3) to a place of worship (D1) with new vehicular access and associated cycle parking.
<b>Applicant:</b>	Mr Ariff
<b>Agent:</b>	Mr George Bathurst
<b>Parish/Ward:</b>	Windsor Unparished/Clewer And Dedworth West

**If you have a question about this report, please contact:** Haydon Richardson on 01628 796697 or at [haydon.richardson@rbwm.gov.uk](mailto:haydon.richardson@rbwm.gov.uk)

**1. SUMMARY**

- 1.1 The proposal would be inappropriate development in the Green Belt which would also harm to openness. Furthermore, the new use would not be in keeping with surrounding land uses and would cause harm to the character of the area, amenities of neighbouring properties, as well as the local highways network. No very special circumstances have been demonstrated to outweigh the development's harm to the Green Belt and other harm identified. Whilst the LPA seeks to support its local communities and their needs, the form of development proposed is unacceptable and contrary to Local Plan Policies GB1, GB2(A), GB8(1), DG1, NAP3, CF3, T5 and paragraphs 109, 127, 133, 134, 143, 144, 145, 146 of the NPPF (2019); warranting refusal of this application.

<b>It is recommended the Panel refuse planning permission for the following summarised reasons (the full reasons are identified in Section 12 of this report):</b>	
<b>1.</b>	The proposed development is considered to be inappropriate development in the Green Belt, which would also cause harm to the openness of the Green Belt and would conflict with its purposes of limiting sprawl. No very special circumstances have been demonstrated which outweigh the development's harm to the Green Belt (and other harm identified in this report).
<b>2.</b>	In the absence of robust controls, the proposed use and its future growth could lead to vehicles being displaced onto the public highway or neighbouring roads detrimental to highway safety and the free flow of traffic on an already busy Maidenhead Road. The applicants have submitted no robust plans which detail how growth will be safely managed in a way that does not impact adversely on the highway network. Furthermore, harm would be caused to pedestrians as cyclists are forced to use public footpaths to access the site, cyclists using the road would also be at an increased risk of collisions with vehicles as there are no cycle paths to the site.
<b>3.</b>	Due to the increase in people and vehicle movements at the site, the proposed development is likely to cause a significant increase in noise pollution in this quiet residential location. Additionally, the intensification of activity at the site caused by constant people and vehicle movements is likely to disturb the day to day activities of Riverside Lodge and Sutherlea (nearest neighbours). For these reasons the proposal is considered to be contrary to Local Plan Policy NAP3 and paragraph 127 of the NPPF which seeks to achieve a high standard of amenity for all.

4.	Policy CF3 states that proposals involving the change of use of a residential property to a community facility will be permitted where: 1) it is essential that the facility is located within a residential area, and 2) the criteria in Policy CF2 are satisfied. No evidence has been provided to suggest that it is essential for the proposed development to be located in this residential area. Especially as its siting is likely to have an adverse impact on the Green Belt, neighbouring amenity, the areas character and the local highway networks.
5.	The development site is located along the river bank where land use is residential, the proposed place of worship would therefore be out of character. Additionally, the new facility would cater for 5 daily prayer services, Friday sermon, after school clubs for children, language schooling and other services. The more intense use of the site and increased activity caused by vehicle and people movements would be out of character with the tranquil use of surrounding residential land. For the reasons mentioned above the proposed development is considered to be harmful to the areas character.

## 2. REASON FOR DETERMINATION UNDER TEMPORARY PROCEDURE

- The Head of Planning considers that this application should be determined by Panel due to the number of representations received both in objection and in support.

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The development site is located on the north side of Maidenhead Road, which is a low density residential area. The site is approximately 0.4Ha and comprises a detached two storey dwelling with integral garage, mature trees and some hardstanding for driveway and vehicle parking. The property is one of many detached dwellings set back from the banks of the river. Due to the spaciousness of the plot and those neighbouring, their riverside setting and their green and wooded landscapes the area has a tranquil and rural character.
- 3.2 The south side of Maidenhead Road (opposite to the site) is not in the Green Belt , the area is heavily paved, more urbanised, built up, less spacious and is predominantly residential; comprising of two storey detached, semi-detached and terraced properties on much smaller plots.

## 4. KEY CONSTRAINTS

- 4.1 The development site is located within the Green Belt, setting of the River Thames, as well as Flood Zones 2 and 3. Several protected trees are also located within the site.

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

- 5.1 The application seeks planning permission to partly change the use of an existing residential unit, into a place of worship. A flat would be created at first floor. The works would include a new vehicular access, car parking and cycle parking facilities.

5.2

Application No.	Description	Decision
19/00906/FULL	Part change of use of dwelling (C3) to a place of worship (D1) with new vehicular access and associated car parking	Refused – 29.07.2019
08/02536/FULL	Repair of collapsed river bank	Granted - 09.12.2008
89/02009/FULL	Conversion of existing garage into kitchen and erection of a new double garage, plus internal alterations and a part two storey part single storey side extension to create additional accommodation	Granted - 23.06.1989

- 5.3 During the process of the application the proposed site layout plan has been amended to include car parking space and landscaping.
- 5.4 It should also be noted that in 2019 an almost identical application was submitted (19/00906/FULL). The application was refused due to its adverse impacts on the Green Belt, highway safety, the character and appearance of the area and riverside, neighbouring amenity and the unfavourable and unjustified location of the community facility in an area of poor accessibility. As the proposed development is almost identical to the aforementioned application, the applicant has requested that this application be read in association with the previously submitted documents. The previously submitted Flood Risk Assessment, Tree Protection Plan, Tree impact assessment, facility use schedule and other relevant documents have therefore been taken into consideration in the processing of this application.
- 5.5 It is also worth noting that that in 2015 the applicants (Windsor Muslim Association) applied for a place of worship at another site within the Borough, however that application was withdrawn prior to its recommended refusal on parking and amenity grounds (15/03789/FULL).

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

- 6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H7
Highways	P4 AND T5
Impact on flooding and flood risk	F1
Trees	N6
Preservation of the setting of the Thames	N2
Provision of Community facilities where there is evidenced need	CF2/CF3
Appropriate Development in Green Belt and acceptable impact on Green Belt	GB1, GB2, GB8

These policies can be found at

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

## 7. MATERIAL PLANNING CONSIDERATIONS

### 7.1 National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

Section 14- Meeting the challenge of climate change, flooding and coastal change

### 7.2 Borough Local Plan: Submission Version

Issue	Local Plan Policy	Proposed changes
Design in keeping with character and appearance of area	SP3	QP3
Development in the Green Belt	SP5	QP5
Trees, Woodlands and Hedgerows	NR2	NR3
River Thames Corridor	SP4	QP4
Flooding	NR1	NR1
Supporting community facilities	IF7	IF6

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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received have been reviewed by the Council and the Proposed Changes have been submitted to the Inspector. In October the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.

These documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

### 7.3 **Supplementary Planning Documents**

- RBWM Interpretation of Policy F1

### 7.4 **Other Local Strategies or Publications**

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

## 8. **CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

**122** occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on **06/01/2020** and the application was advertised in the Local Press on **20/12/2019**.

Following the submission of an amended site layout plan (18-016-0100, Rev A), neighbouring occupiers and relevant consultees were re-consulted on **04/09/2020**.

The following responses were received.

- 8.1 **A petition in support of the application has been submitted with 108 signatories.** The petition states that the proposed development includes no external changes to the building and hardstanding and therefore would have no impact on the character and appearance of the area, or on the flood plain. Windsor has approximately 100-110 families, the WMA represents 30 families and the facility is of appropriate size. Only a few people would drive as the place of worship is to be predominantly a walk and cycle centre. Prayer calls will be internal, and noise from vehicle movements would be limited due to reduction of onsite parking, as such there would be no noise impact. No external changes or additional parking means that protected trees would remain protected. The centre is for worship and not events. The facility could also be used for other services and groups so would be a valuable resource for the community. It would also open up the river to the community. Also children could play on the grounds as well as use it for recreational and educational purposes. Responses to all of the above have been addressed throughout this consultation section and in the main body of the report.

8.2 **17** letters were received **in support** of the application, those letters have been summarised below:

Comment	Officer Response
The new mosque will allow for all daily and night time prayers to take place including those relevant to Ramadan.	Noted – see paragraphs 6.1 – 6.6 of the report, as well as the conclusion.
The Windsor Muslim Association represents around 30 plus Muslim family in this area and the site could accommodate the society's needs.	
The WMA charity has helped the wider community with refugee relief, child and mother educational support.	
The WMA have been looking for alternative sites for years.	
We welcome the WMA's aims of supporting the elderly, young, vulnerable and improving community cohesion through understanding	Noted, however these statements are not material planning considerations, nor are they covered or supported by adopted planning policy.
It is a Human Right that British citizens should have the freedom to pray in their country.	
Approval of the proposed development would give the community more faith in its representative administration and would show that RBWM is leading the way against Islamophobia and bigotry.	
The Muslim community pay taxes and support the government as well as Windsor's economy.	See 9.21- 9.25.
The character of the area is mixed, meaning the proposal would not be out of character.	
All Saints Church: We support the proposed development and WMA	Noted.
Windsor Baptist Church: We support the proposed development and WMA who in turn support the community. They group have been renting a nearby facility for 18 months and require a new home.	
St Edward and Marks Catholic Church: We support the proposal as a facility is needed for the WMA.	
United Reformed Church: We support the proposed development and WMA are an asset to the community because of the work they do.	

8.3 **92** comments have been received **in objection** to the proposal and are summarised below.

Comment	Officer Response
The site is not suitable for use as a walk and cycle community centre, it has poor foot and cycle path access. The elderly, children, and less abled bodies would struggle to access the site without a car.	For responses regarding growth, traffic, and congestion see paragraphs 9.33- 9.40.
The proposal will cause traffic build up and road congestion	
The new facility will attract a wider audience (as set out in the applicants statement) and eventually people will begin parking on roads causing a more hazardous environment for road users and pedestrians	
Insufficient parking has been provided for the new development	
The new access will cut across pedestrian and any cycle route to the site, potentially causing harm to their users as vehicles enter and leave the site	
It is unlikely that people will walk or cycle to the site due to its unfavourable location. The proposal would therefore cause harm to the highways network.	
Call for prayers start at the sunset and happen throughout the day, 5 or 6 times a day. The proposal will lead to excessive noise disturbance for neighbouring dwellings. Further noise impact would be caused by people movements	The LPA could control external noise with a condition if the application were recommended

	for approval.
The place of worship would be out of keeping with the character of the surrounding area, which is residential	See section 9.21 – 9.25
The development would be out of keeping with the areas rural character, the setting of the river Thames and the properties riverside garden would become a car park	
Along with other developments nearby (Squires garden centre) the proposal would severely harm vehicle movements on Maidenhead Road.	Noted. See section 9.33 – 9.40.
The proposal would put additional people at risk during a flood event, as per the comments of the Environmental Agency. No FRA has been submitted to support the development.	See section 9.17 – 9.20
Sutherland Grange were not notified of the proposal	The statutory consultation process was carried out correctly by the LPA.
Proposal will lead to air and light pollution increases	The air and light pollution generated from the development would not be significantly harmful.
The need for a centre is acknowledged, however like other religious centres it will need to expand and the location is poor for expansion.	Noted.
The proposed change of use could set a precedent, which would lead to the erosion of the green belt and Thames setting.	See paragraphs 9.11 – 9.16 and . 9.21 – 9.25 of this report.
The development would be harmful to protected trees within and surrounding the site.	See paragraphs 9.26-9.30 of this report.
The proposed development would have an adverse impact on the openness of the Green Belt and would urbanise the site. No very special circumstances have been demonstrated to outweigh the developments harm to the Green Belt.	See paragraphs 9.11 – 9.16 of this report and paragraph 10 of this report.
Many of the comments received are not from local residents and are instead from people who wish to use the facility but do not live in the area.	Noted. Comments can be submitted from any interested parties and are not limited to only local residents.
There are likely to be many birds and other fauna species within the site that could be harmed or displaced by the development	Noted. Due the nature of the development (change of use, with hard standing for parking) the impact on wildlife is likely to be limited.
This resubmission is almost identical to the previously refused application	Noted.

- 8.4 1 comment was received neither objecting to nor supporting the application. The comment suggested that additional consultation should be carried out on a development of this nature. A new consultation period ran from 04/09/2020 to 25/09/2020. The neighbouring properties and over 100 previously interested parties were notified of the development directly. A site notice was also placed at the site. The council's statutory consultation measures have therefore been fulfilled and exceeded.

### Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No objection subject to a condition requiring that 'the development hereby permitted be carried out in accordance with the Flood Risk Assessment Report reference: 71252R2 dated 29/03/2019, GeoSmart Information Ltd and site plan drawing by iNHABiTAT dated November 2019, reference 18-016-0100 and the following mitigation measures detailed within the FRA and drawing: 1. All finished floor levels of the proposed developments will be set at 22.08m AOD. 2. Construction and design as per updated site plan drawing by Inhabitant dated November 2019, reference 18-016-0100.	Had the application been recommended for approval, any necessary conditions would have been added.
Bray Parish Council	The applicant has failed to provide sufficient parking spaces for a development of this size. BPC are concerned that users of the facilities may choose to drive instead of walking or cycling. As there are no parking restriction on this stretch of the Maidenhead Road users may choose to park on the road which in turn will cause congestion on the A308. The new vehicular access will enter and exit directly on to the A308. This is an extremely busy road and would be hazardous to other road users.	See paragraphs 9.33 – 9.40.
Tree Officer	No objection subject to a condition which requires the development to be carried out in accordance with the submitted tree protection plan.	Had the application been recommended for approval the recommended conditions would have been added.
Environmental Protection:	No objection subject to a condition requiring the submission of noise containment measures.	
Highways officer:	Adequate parking would be provided for the proposed development.  However, the development site is not considered to be in a suitable location.  The site has an existing access, as such the new access is not necessary. Furthermore it has not been proven that the new access can provide adequate visibility splays.  The proposal would provide adequate cycle facilities, although they should be secure and enclosed to encourage their use.  Anticipated growth of the facility would be harmful to the highways network.	Noted. See paragraphs 9.33 – 9.40 of this report.

	Overall, given the nature of the proposal, the surrounding highway network and our previous experiences of similar D1 community facilities, it is concluded that the proposal would attract a significant increase in vehicular activity in the area and lead to on-street parking along the access road and surrounding areas to the detriment of those that currently reside and commute in the area.	
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### Others

Group	Comment	Where in the report this is considered
Windsor and Eton Society	The proposal would cause harm to the openness of the green belt. The new parking area would harm views from the river bank and Thames path. The proposal is also likely to cause parking to overflow onto residential roads and increased traffic. The safety of pedestrian would also be reduced. The development would be contrary to the relevant borough submission plan and Adopted Local Plan Policies.	Noted. The adverse impact of the proposal have been discussed throughout this report as has its potential benefits.
Willows residents association	Development is out of keeping with the areas residential character, inadequate parking will be provided. Car park near the river could increase flood risk and traffic conditions on the A308 will be worsened.	
Oakley Green residents association	Proposal would be harmful to the green belt, would elevate flood risk in the area and is likely to worsen parking conditions in the area. The new access could also cause concerns regarding highway safety.	

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The principle of the development
- ii Impact on the Green Belt
- iii Impact of the proposal on Flooding
- iv The impact of the proposal on the character and appearance of the area and setting of the Thames
- v Impact of the proposal on important trees
- vi Impact on amenity
- vii Highways impacts

### Principle of the proposed development

9.2 The proposal seeks to change the use of a dwelling (C3) to a place of worship with accommodation for the religious leader and their family (D1 and C3 use). The site is located on the north side of Maidenhead Road in a green, sparsely built up residential area that backs on to the River Thames. The other side of the road is much denser and more urban. The proposal includes car parking space, cycle storage facilities and a new vehicular access, within the sites 0.4ha grounds.

- 9.3 Local Plan Policy CF2 supports the provision of new community facilities so long as they meet the needs of local residents and provide adequate access and parking facilities (including facilities required for people with disabilities).
- 9.4 Emerging Borough Local Plan Policy IF7 provides similar guidance stating that 'proposals for new or improved community facilities which meet the needs or aspirations of local residents and visitors will be supported, where an assessment identifies specific needs in the local area, proposals to meet that local need will be supported when they are located in areas that are accessible by walking, cycling or public transport'.
- 9.5 Paragraph 92 (a) of the NPPF supports the provision of community facilities stating that 'To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments'.
- 9.6 According to the guidelines set out within the borough's parking strategy, the site is not in a sustainable location, however it is accessible via bike, car and is 25-35 minutes' walk from Windsor town centre and 15-20 minutes' walk from shops and services on Dedworth Road. Notwithstanding the above, the nearest pedestrian crossings are 175m and 250m, east and west of the site. This is not ideal for those walking to the site. There are no safe cycle routes along this busy part of the A308, meaning cyclists would come into conflict with pedestrians on the footpath or cars on the road, which is hazardous. No robust travel plan has been submitted detailing how growth will be managed. Taking into consideration these points the development is not considered to be in a favourable location.
- 9.7 Based on the support received for the application (from local residents, religious societies and others), the fact that the WMA have submitted similar applications within the borough in the aim of securing a permanent place of worship, and that the group itself is formed of 30 families (some of which have been evidenced to be local residents); it can be argued that the facility is for local needs.
- 9.8 Local Plan Policy H7 is aimed at protecting the borough's housing stock. The policy states that the loss of residential properties will only be acceptable where the proposal would provide essential community services. The proposal seeks to make the site mixed use (D1 and C3). The new flat would have independent access, private amenity space and 1 parking space could be provided for the flat. For these reasons it is considered that the development would lead to no loss in the borough's overall housing supply. Rather a large property would be replaced with a smaller one which is not contrary to current local plan policy. The applicants have also suggested that a religious leader or member of the group would take up the property allowing for the uses to work side by side. However, the plans demonstrate that the retained residential unit could be occupied separately to the community use and would not have to be an ancillary use at the site.
- 9.9 Policy CF3 states that proposals involving the change of use of residential property to a community facility will be permitted where: 1) it is essential that the facility is located within a residential area, and 2) the criteria in Policy CF2 are satisfied.
- 9.10 The applicant has stated that the development is not designed to support the entire town, rather a small group (30 families) within the town and thus should be considered as acceptable in the proposed location. No evidence has been provided which suggests that it is essential for the proposed place of worship to be located in this residential area. Places of worship are better located in sustainable centres, where their users can access them with ease via foot, cycle, public transport and car (if necessary). Noise and activity levels are also higher in such locations, so the proposed use would not be out of place. The new place of worship is to be located in a quiet residential area with very limited accessibility. It would not be easily accessed via foot, cycle or public transport (see paragraphs 9.33 -9.40). Additionally, it would have an adverse impact on the character of this riverside residential area due to the increased level of activity it would introduce. It would also cause harm to the local highway networks, amenities of neighbours and Green Belt (discussed later on in this report). For the reasons mentioned above it is not

considered essential or suitable for the development to be in its proposed location; it is therefore contrary to Local Plan Policy CF3 and the development is considered to be unacceptable in principle.

## **Green Belt**

- 9.11 The site lies within the Green Belt and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 145 of the NPPF states that new buildings in the Green Belt should be regarded as inappropriate development with some exceptions, while paragraph 146 of the NPPF also lists other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Local Plan policy GB1 and emerging BLPSV policy SP5 also set out appropriate development in the Green Belt, however the Local Plan was prepared in accordance with the cancelled PPG2 and the BLPSV was prepared in accordance with the NPPF (2012). As such neither of the assessment criteria's are entirely consistent with the Governments Green Belt Objective. Taking into consideration the above, the 2019 NPPF is considered to be a more up-to-date expression of the Governments intent and it has been afforded significant weight as a material consideration in the assessment of this application.
- 9.12 Paragraph 146 of the NPPF advises that the reuse of buildings and the material change of use of land is appropriate development so long as the works would not conflict with the purposes of the Green Belt and would preserve its openness. Similarly Local Plan Policy GB8 suggests that the change of use of buildings within the Green Belt would be acceptable where the proposed use (including its associated external activities) would have no greater impact on the openness of the Green Belt than the existing use.
- 9.13 The introduction of a large cycle storage area would reduce the visual openness of the site. Extensive hard surfacing (to create drive ways and car parking areas) would replace open green garden space with gravel, subsequently urbanising the site and reducing its openness through loss of its rural character. Furthermore and although not a reason for refusal (because cars come and go), if the external parking spaces were occupied by vehicles at any one time they would further reduce the visual openness of the site. Additionally, the design and access statement (which includes a use schedule) suggests that prayers will be held at different times every day. A sermon will be held on Fridays (which is likely to attract a larger congregation), after school clubs Monday to Thursday, language classes on the weekend and a ladies meeting on Monday mornings. The proposal would therefore result in a significant increase in vehicle and pedestrian movements at and around the site, this in turn means that the site would be physically occupied by more people, more objects and more activity, which would cause visual and spatial harm to the openness of the Green Belt. For the reasons mentioned above, the proposed development is not considered to preserve the openness of the Green Belt.
- 9.14 As the proposal would not preserve the openness of the Green Belt, it would not comply with paragraph 146 of the NPPF or Policy GB8 and would therefore form inappropriate development. Inappropriate development is by definition harmful to the Green Belt.
- 9.15 Additionally, the development would be contrary to one of the Green Belt's purposes which is to check the unrestricted sprawl of large built up areas. The north side of Maidenhead Road is within the Green Belt (where the development site is), the south side is not. Allowing a more intense use within the Green Belt and upon its boundary would constitute encroachment and arguably sprawl.
- 9.16 For the reasons mentioned above the proposal is considered to be inappropriate development and harmful to the openness of the Green Belt as well as its purposes. The proposal could only be acceptable if there was a case for Very Special Circumstances which outweighed the harm to the Green Belt and any other harm arising from the proposal. The case for very special circumstances is considered later in this report.

## **Flooding**

- 9.17 The development site is located within Flood Zones 2 and 3, however the building and flat are solely within Flood Zone 2. Local Plan Policy F1 states that development should not be approved where it would increase the number of people or properties at risk from flooding, impede the flow of flood water or reduce the water storage capacity of the flood plain.
- 9.18 Paragraph 164 of NPPF (2019) and guidance within the NPPG suggests that the change of use proposed does not require the sequential or exceptions test, rather the applicants should submit a site specific flood risk assessment which accords with paragraph 163 of the NPPF which is set out below.

*When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, 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.*

- 9.19 The previously submitted FRA (Ref: 71252R2, created by Geo Smart Info) has been submitted in support of this application along with an addendum report (created by Bee.Net Services Limited, Date 18/02/20). The addendum is no longer accurate as the applicant has reintroduced parking since its submission. The original FRA is still considered to be relevant considering the short time frame between the applications and the fact that the schemes are almost identical. The FRA states that existing finished ground floor levels are 22.13 AOD. The maximum flood level at the site during the 1 in 100 year plus a 70% climate change allowance would be 21.78 AOD. In line with NPPG Guidance the floor levels should be 300mm above this figure at 22.08 AOD in order to be safe from flooding. Taking into consideration that the ground floor of the building is already above this level the development would be safe from surface water in a flood event.
- 9.20 The development site includes no extensions or additional structures and thus is unlikely to reduce the capacity of the flood plain to store water. The EA has suggested that subject to a condition requiring the development to be carried out in accordance with the submitted plans, FRA and floor levels being above 22.08D, the development would have an acceptable flooding impact. Had the application been recommended for approval a condition to this effect would have been added. It should also be noted that Users of the new religious centre would be using the facility during the day and are therefore unlikely to be startled by any sudden flood events. The FRA also states that occupants of the site could be signed up to the EA's flood warning direct service to receive Flood Alerts and Flood Warnings, this would again help to reduce harm to the sites users during a flood event. A statement describing the safe path of access and egress from the site has been supplied In the FRA. Had the application been recommended for approval a scaled plan of the escape route would have been requested. For these reasons it is considered that the proposal would be acceptable on flooding grounds subject to conditions.

## **Impact on the character and appearance of the area and setting of the Thames**

- 9.21 National Planning Policy Framework, Section 12 (Achieving well-designed places) and Local Plan Policy DG1, advise that all development should seek to achieve a high quality of design that improves the character and quality of an area. Policy DG1 states that 'harm should not be caused

to the character of the surrounding area through development that is cramped or which results in the loss of important features which contribute to that character'. Paragraphs 127 (a) and (c) of the NPPF (2019) state:

*'Planning policies and decisions should ensure that developments:*

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)'*

- 9.22 Local Plan Policy N2 suggests that development will not be permitted where it would 'adversely affect the character and setting of the river in both urban and rural locations' and that proposals should seek to 'conserve or enhance' such areas. The policy also states that new developments should protect views of and from the river, and that the character, height; scale and bulk of developments should respect those adjoining.
- 9.23 The north side of Maidenhead Road is a low density residential area. Properties are uniquely designed, detached and located within reasonably spacious plots which include trees, hedges and other greenery. Due to their greenery and spaciousness each property has a quiet rural feel. The spacious, rural and tranquil character of this residential area is complemented by its riverside location. There are no community facilities or intensive residential uses, such as flats along this stretch of the river bank. At present the existing dwelling integrates well with this area's character.
- 9.24 In order to create new external parking spaces for the place of worship, the development includes extensive resurfacing of the plot's green landscape. At any one time vehicles could be clustered within the site, cluttering its open character. Despite these points, landscaping is proposed around the parking area, helping it to integrate with the site, whilst protecting riverside views. The new parking area is therefore unlikely to be visually harmful. The proposal also includes new gates, an access from the main road and cycle storage facilities (to be sited next to the main house). The new entrance gates could be conditioned to be similar to others on this section of the A308. The new access would be one of many leading from the main road. The cycle storage facilities are located next to the house and would be hidden from the street by the sites brick boundary wall. No extensions to the building are proposed. It is therefore considered that the proposal would cause no harm to the street scene or general appearance of the area.
- 9.25 Notwithstanding the above, the introduction of a new community facility would in itself be out of character with the surrounding land uses along the river bank which are residential. The more intense use of the site (caused by the place of worship) could lead to up to 30 families, as well as the family of the flat owner using the building and its grounds at one time. This intense use would be out of character with the relaxed residential uses surrounding the site and the tranquil river Thames setting. For these reasons the proposal is considered to harmful to and out of keeping with the character of the surrounding area and is therefore contrary to Local Plan Policies DG1 and N2 of the Local Plan, as well as paragraph 127 of the NPPF (2019).

### **Impact on important Trees**

- 9.26 Local Plan Policy N6 suggests that new developments should protect and conserve trees important to the amenity of the area; ample space should also be provided for the future growth of these trees. Any loss or harm to such trees can in some circumstances be mitigated by replanting but should always be justified by the applicant. The policy also states that where the contribution of the trees to local amenity outweighs the justification for development, planning permission maybe refused.
- 9.27 At present several protected trees exist within the grounds of Ruddles Pool. Trees T16, T15, T6, T7 and T8 are significant landscape features within the site, which add to the site's green character and suburban feel. Due to their size and siting some of the trees are also visible from the street and contribute to the area's character.

- 9.28 The proposal includes no extension of the building. The development would reduce the amount of hardstanding around tree T16, improving its rooting environment. The proposed cycle storage would be sited on top of or in the location of an existing paved area next to the building as such it would not incur into the RPA of any tree. The proposed driveway runs through the RPA of T15, however it is to be non-dig and porous. It is therefore unlikely to cause harm to the trees rooting environment nor would it reduce its ability to uptake nutrients from the ground.
- 9.29 The previously submitted tree protection plan has been submitted in support of this application (Land Arb Solution Arboricultural Survey and Impact Assessment, dated June 2019). It details the location of protective barriers and other measures to ensure that trees on the site are protected. Subject to compliance with the measures set out in the document, none of the mentioned trees would be harmed by the proposed development. Had the application been recommended for approval a condition would have been added requiring the development to be carried out in accordance with the document. A condition would also have been recommended requiring full landscaping details to be submitted, this would ensure that new trees visually integrate with the site and soft landscaping is reinstated appropriately.
- 9.30 The Borough's Tree Officer has no objection to the proposed development subject to the mentioned conditions and overall it is considered that the proposed development would have an acceptable impact on protected tree within the site.

### **Impact on the amenities of neighbouring properties**

- 9.31 Local Plan Policy NAP3 advises that development should not have an adverse impact on noise, air, and smell pollution. Paragraph 127 of the NPPF (2018) advises that new development should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'. SP3 of the emerging Borough Local Plan also promotes good amenity for surrounding properties and future occupants.
- 9.32 The new community facility would cater for 5 daily prayer services, Friday sermon, after school clubs for children, language schooling and other services. As such the development will lead to frequent vehicle and people movements in and around the site, a large increase in external activity and inevitably an increase in noise. The noise generated will be further supplemented by the day to day activities of the flat owners and although the prayer hall could be conditioned to be noise insulated, the increased activity, increased frequency of activity and comings and goings of vehicles would be out of character with the residential area and would lead to noise disturbance for local residents. Furthermore the constant comings and goings of vehicles is likely to cause nuisance to neighbours, as they are subjects to more vehicles on the road, more people going in and out of the site, on a daily basis. For the reasons mentioned above the proposal is considered to be harmful to the amenities of neighbouring properties.

### **Highways Impact**

- 9.33 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards (HDS). The policy notes advise that the purpose of the HDS is to ensure that new development does not place an undue burden or create problems of congestion on the highway network. Policy P4 requires all development proposals to accord with adopted car parking standards, while policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking. Policy DG1 of the Local Plan states that developments should provide convenient access, parking, and facilities for people with disabilities' and that 'traffic generated by the proposed development should not have an unacceptable effect on the local road network and the environment of the locality'.
- 9.34 The NPPF(2019) is a material planning consideration and paragraph 109 states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 9.35 The submitted plans convey that the prayer room including its entrance (not including the “Sitting Room”) covers 103m<sup>2</sup>. The Local Authorities current Parking Strategy (May 2004) requires 1 space per 10sqm of open hall. Therefore the 11 car parking spaces shown are considered sufficient for the hall. An additional 2 parking spaces would be available, providing sufficient parking for the new flat. The proposed development would therefore meet the Borough’s Parking standards.
- 9.36 14 cycle storage facilities would be provided at the site and the proposal would therefore provide adequate cycle storage.
- 9.37 Notwithstanding the above, the applicants have suggested that the site will be predominantly accessed via foot or cycling. The nearest pedestrian crossings are 175m and 250m, east and west of the site. This is not ideal for a site which is to be used daily by all. There are no safe cycle routes along this busy part of the A308, meaning cyclists will be at conflict with pedestrians on the footpath or cars on the road, which is hazardous. Taking into consideration these points the development is not considered to be sustainably located for access via cycling or foot and it is likely to cause harm to both pedestrian and highway safety.
- 9.38 In addition to the above, the submitted planning statement states that ‘the main worship hall of about 54m<sup>2</sup> is aimed primarily at serving the existing community of about 30 families. This is expected (and hoped) to grow organically, in line with UK-wide and general social trends’. Officers have voiced significant reservations regarding the adverse impacts of the growth of the facility in this unsustainable location, as although the facility is for 30 families, in the future other parts of the building could be converted to increase prayer facilities, other areas within the site could be converted to increase the sites parking capacity and ancillary uses could take place at the site should the change of use be granted. All of the above would result in an unrestricted amount of people on the site, to the detriment of the highways network. .
- 9.39 The LPA cannot and does not wish to prohibit the growth of the WMA community. However anticipated growth could lead to vehicles being displaced onto the public highway or neighbouring roads causing a more hazardous environment for road users, as well as traffic build up and congestion on an already busy Maidenhead Road. The applicants have submitted no robust plans which detail what levels of growth are anticipated nor how growth will be safely managed in a way that does not impact adversely on the highways network.
- 9.40 For these reasons the proposal does not comply with Local Plan Policies T5 and Paragraph 109 of the NPPF.

### **Archelogy**

- 9.41 The site lies within an area of potential archaeological significance. The proposed parking SUDS system is stated to impact between 800mm and 1200mm below existing ground levels which is deep enough that it could potentially fully truncate any surviving archaeological deposits. For these reasons Berkshire Archaeology have suggested that conditions be added to ensure excavation is carried out appropriately. Had the application been recommended for approval the recommended conditions would have been added.

## **10. Very special circumstances test, Planning Balance and Conclusion**

- 10.1 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 10.2 The design and access statement suggests that very special circumstances exist for the following reasons:
- the change of use would provide a permanent home for the WMA congregation, thus benefiting some members of the local community.

*This point is afforded significant weight in favour of the development, however it should be noted, at this stage no evidence has been submitted to suggest that the 30 families*

*are all local residents of RBWM, so it is still in question whether the facility will benefit the local community or wider community.*

- the site in question is located in a less densely populated area, reducing its impact on the amenities of neighbouring properties (from a noise and disturbance perspective).

*This point is afforded limited weight in favour of the development as it is likely that the place of worship would disturb and adversely impact on the amenities of both immediate neighbouring properties due to associated noise and vehicle movements. More importantly there may be other available sites within town centres, around other D1 uses, which are better suited to the development and would have less of an impact on neighbouring amenities. This point also conflicts with policy CF3 where it needs to be demonstrated that it is essential for a community facility to be located in a residential area (where change of use from residential is occurring).*

- The congregation undertakes a great deal of good work for the local population, and the establishment of a permanent venue would allow for WMA to operate more efficiently, in a better environment and allow for their work to positively expand to the betterment of the local Muslim and wider community.

*This point is afforded limited weight in favour of the development. It is not demonstrated that the proposed development is required for this benefit to be realised.*

- Other venues have been explored and have been found lacking, these include:

- a) *The Manor Youth Centre, Hanover Way, Windsor SL4 5NW (WMA unable to obtain a long-term lease from the owner)*
- b) *Vestol House 94 - 94a Dedworth Road, Windsor SL4 5AY (subject of Withdrawn application based on a lack of parking – only 15 spaces)*
- c) *Duke of York Pub 198 St Leonard's Road, Windsor SL4 3DL (parking only available for 20 spaces and therefore unsuitable)*
- d) *"The Hope" Ward Royal Parade No: 6 - 7, Alma Road, Ward Royal, Windsor SL4 3HR (listed building with change of use and other necessary changes not permitted).*

*This point is afforded limited weight. It is not considered that the evidence provided has sufficiently demonstrated the lack of suitable alternatives and that it is essential that the proposal is located at the application site.*

- The proposal would add to the social amenity of the area, therefore enhancing the Green Belt. Furthermore the proposal includes no extension to the building, hard standing could be done under the properties existing residential PD rights, and this particular part of the Green Belt is surrounded by development. Therefore the proposal would cause no harm to the purposes or openness of the Green Belt.

*This point is afforded limited weight in favour of the development. As set out above intensification of the sites use would cause harm to openness, the location of the site and its new use would encroach into the green belts boundaries.*

- It is difficult to find a suitable property due to current market conditions

*This point is afforded limited weight. Temporary market conditions are not considered to outweigh the developments permanent harm to the Green Belt, highway network, amenities of neighbouring properties and character of the area.*

- 10.3 Paragraph 144 states 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.

10.4 The harm caused by the inappropriateness of the development is accordingly afforded substantial weight. As is the harm caused to the openness of the Green Belt and purposes of the Green Belt (sprawl).

Further significant weight is given to:

- the developments harm to the character and appearance of the area
- the harm to the local highway network
- harm to amenities of nearest neighbours

10.5 For these reasons it is considered that no other considerations exist which would clearly outweigh the harm to the Green Belt (and any other harm) identified within this report. Therefore no very special circumstances exist which are sufficient to outweigh the identified harms and the proposal is contrary to Local Plan policies GB1 and GB2(a), GB8(1) and paragraph 133, 134 ,143, 144, 145 and 146 of the NPPF (2019).

### **Conclusion**

10.6 The proposal is not considered to be sustainable development. Furthermore it would constitute inappropriate and harmful development in the Green Belt and no 'other considerations' have been demonstrated to outweigh the harm identified in this report, therefore no very special circumstances exist warranting refusal of the application. In addition to the above, the development would cause significant harm to the character of the area, neighbouring amenities and the local highway network. The proposal would therefore be contrary to Local Plan policies GB1 GB2(a),GB8(1), DG1, CF3, NAP3, T5 as well as paragraphs 109, 127, 133, 134 ,143, 144, 145, 146, 163 of the NPPF (2019).

### **11. APPENDICES TO THIS REPORT**

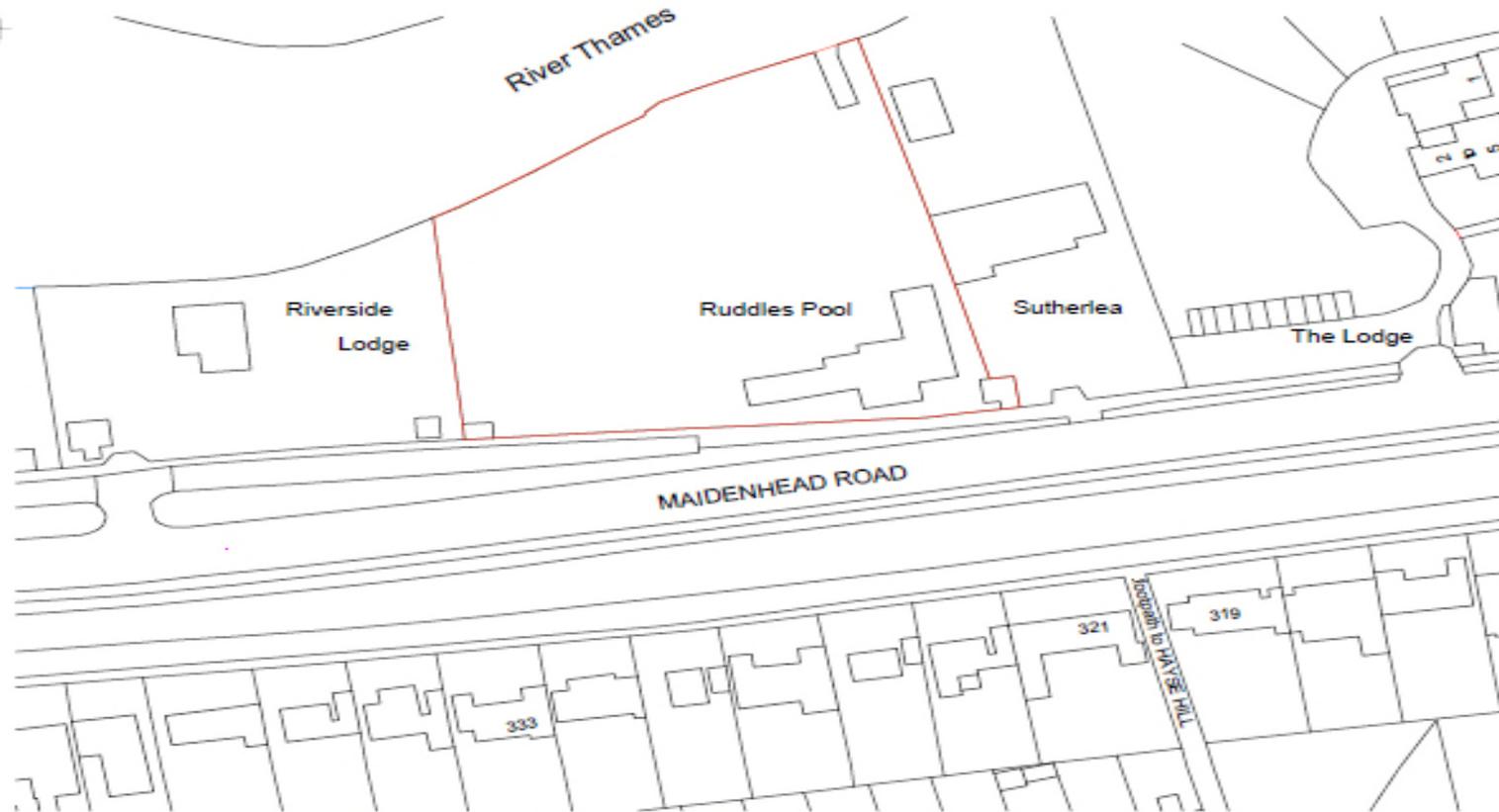
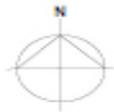
- Appendix A - Site Location Plan
- Appendix B – Proposed Layout Plan
- Appendix C – Proposed elevation and internal layout

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

- 1 Due to the intensification caused by the sites mixed use, additional parking areas and new cycle storage facilities the proposed development would cause harm to the openness of the Green Belt, subsequently the proposal would constitute inappropriate development in the Green Belt. Due to its more intense use when compared with surrounding land uses and its location on the boundary of the Green Belt, the development would also constitute sprawl. No very special circumstances have been demonstrated which clearly outweigh the harm to the Green Belt and other harm identified (character, highways, neighbouring amenity). The proposal is therefore contrary to Local Plan policies GB1 and GB2(a),GB8(1), and paragraphs 133, 134 ,143, 144, 145 and 146 of the NPPF (2019).
- 2 In the absence of robust controls, the proposed use and its future growth could lead to vehicles being displaced onto the public highway or neighbouring roads causing a more hazardous environment for road users, as well as traffic build up and congestion on an already busy Maidenhead Road. The applicants have submitted no robust plans which detail how growth will be safely managed in a way that does not impact adversely on the highways network. Furthermore, harm would be caused to pedestrians as cyclists are forced to use public footpaths to access the site, cyclists using the road would also be at an increased risk of collisions with vehicles as there are no cycle paths to the site. For these reasons the proposal does not comply with Local Plan Policies T5 or DG1, it would also be contrary to paragraph 109 of the NPPF (2019).
- 3 The development site is located along the river bank where land use is residential, the proposed place of worship would therefore be out of place and out of character. Additionally, the new facility would cater for 5 daily prayer services, Friday sermon, after school clubs for children, language schooling, other services as well as the family of the new upstairs flat. The more intense use of the site and increased activity caused by vehicle and people movements would be

out of character with the lax and tranquil use of surrounding residential land. For the reasons mentioned above the proposed development is considered to be harmful to the areas character and contrary to Local Plan policies DG1 and N2, as well as chapter 12 of the NPPF (2019) which seeks to achieve development of high quality design that integrates with and improves the character and appearance of an area.

- 4 No robust evidence has been submitted which suggests that the proposed development site is the only site in RBWM appropriate for the place of worship, nor has evidence been submitted to show that members of the WMA community (the mentioned 30 families) live within close proximity to the site and that it is therefore essential for the site to be in its proposed location. Places of worship are better located in sustainable centres, where their users can access them with ease via foot, cycle, public transport and car (if necessary). Noise and activity levels are also higher in such locations, so the proposed use would not be out of place. The new place of worship is to be located in a quiet residential area with very limited accessibility. For the reasons mentioned above, it has not been proven that it is essential for the proposed place of worship to be in the proposed residential area, the proposal is therefore contrary to Local Plan Policy CF3.
- 5 Due to the increase in people and vehicle movements at the site, the proposed development is likely to cause a significant increase in noise pollution in this quiet residential location. Additionally the physical intensification of activity at the (site caused by constant people and vehicle movement) is likely to disturb the day to day activities of Riverside Lodge and Sutherlea (nearest neighbours). For these reasons the proposal is considered to be contrary to Local Plan Policy NAP3 and paragraph 127 of the NPPF which seeks to achieve a high standard of amenity for all.



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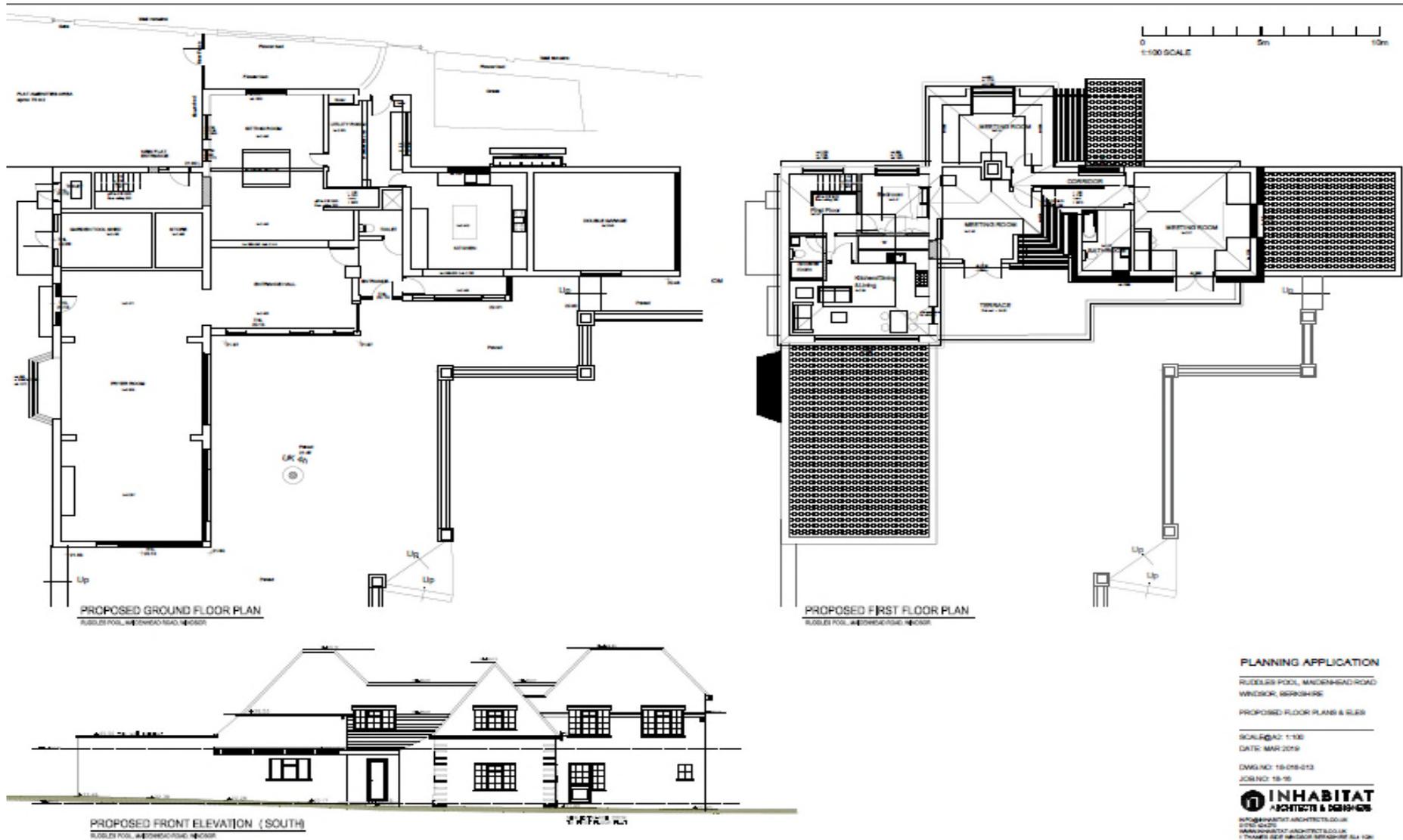
### LOCATION PLAN

RUDDLES POOL, MAIDENHEAD ROAD, WINDSOR

Ruddles Pool - location plan



Appendix C – Proposed elevations and floorplans



**PLANNING APPLICATION**  
 RUDELESS POOL, MADEN ROAD  
 WINDSOR, BERKSHIRE  
 PROPOSED FLOOR PLANS & SLBS  
 SCALE: A2: 1:100  
 DATE: MAR 2019  
 DWG NO: 19-05-013  
 JOB NO: 19-10  
**INHABITAT**  
 ARCHITECTS & DESIGNERS  
 107-108  
 11 THAMES GATE WINDSOR, BERKSHIRE SL4 1JH