

## DEVELOPMENT CONTROL PANEL

1 December 2021

Item: 3

<b>Application No.:</b>	21/02302/OUT
<b>Location:</b>	Land Fronting North Bank of Thames And Accessed Between 66 And 68 Wraysbury Road Staines
<b>Proposal:</b>	Outline application for a river boat slipway and dry dock including a dock manager's first floor apartment for security, with all matters reserved.
<b>Applicant:</b>	Mr French
<b>Agent:</b>	Mr Ian Benbow
<b>Parish/Ward:</b>	Wraysbury Parish/Datchet Horton And Wraysbury
<b>If you have a question about this report, please contact:</b> Briony Franklin on 01628 796007 or at <a href="mailto:briony.franklin@rbwm.gov.uk">briony.franklin@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 This application seeks outline consent to construct a boatyard comprising a slipway and dry dock served by a river inlet created from the banks of the River Thames in Wraysbury. All matters are reserved for subsequent approval including access, layout, scale, appearance and landscaping. The boatyard is understood to be required for statutory annual boat inspections and to provide facilities to inspect barges and houseboats. The proposal includes a large semi-enclosed building and includes a dock manager's first floor apartment for security. The site lies on the northern bank of the River Thames on the eastern fringes of Wraysbury. Vehicular access is gained from Wraysbury Road.
- 1.2 The site lies within the designated Green Belt. The proposed development does not fall within the list of specified exceptions for development set out in Paragraphs 149 or 150 of the National Planning Policy Framework (revised 2021). The proposal therefore constitutes inappropriate development and harm to the Green Belt is afforded substantial weight.
- 1.3 The site lies within Flood Zone 3b (functional flood plain). Whilst the boatyard would be a water compatible use, the residential development in the form of a dock manager's apartment is unacceptable in principle in the functional flood plain. The site specific flood risk assessment is inadequate. The proposal fails to demonstrate that there are no other reasonably available sites for the proposed development within an area at lower risk of flooding, and furthermore, fails to demonstrate that there would not be an increase flood risk elsewhere.
- 1.4 During the course of the application a preliminary ecological impact assessment (Desktop study) and a letter from a tree consultant have been provided. Subject to the final views of the ecology officer it is considered that the information supplied is inadequate to demonstrate that the proposal would not have an adverse impact on ecology and trees. Based on the design proposals accompanying the application the proposal would have a detrimental impact on the riparian setting of the River Thames and the sylvan character and appearance of the site. It has also not been adequately demonstrated that the proposal would not emit unacceptable levels of noise, smell or fumes beyond the site boundaries to the detriment of the living conditions of neighbouring residents. There are also concerns as to the suitability of the access.

- 1.5 The NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances. It further explains that 'Very Special Circumstances' (VSC) 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. It is not considered that VSC exist in this case that would outweigh the substantial harm to the Green Belt by reason of inappropriateness and any other harm. The application is recommended for refusal.

<b>Subject to the views of the ecology officer on the preliminary ecological impact assessment it is recommended that the Panel REFUSES planning permission for the following summarised reason (the full reason is identified in Section 13 of this report):</b>	
1	The application site lies within the designated Green Belt. The proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. Furthermore, the proposal would result in harm to the openness of the Green Belt and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'. No Very Special Circumstances have been demonstrated that clearly outweigh the harm and any other harm. The proposal is therefore contrary to paragraphs 147, 148 and 149 of the National Planning Policy Framework (2021), saved policies GB1, GB2(a) and GB3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003) and emerging policy QP5.
2	<p>The application site falls within Flood Zone 3b (functional flood plain) wherein residential development is unacceptable in principle.</p> <p>The proposal fails to demonstrate that there are no other reasonably available sites appropriate for the proposed development within a lower risk of flooding. The application therefore fails the sequential test.</p> <p>The FRA does not meet the requirements for site-specific flood risk assessments as set out in paragraphs 30-32 of the PPG and does not adequately assess the flood risks posed by the development. It has not been adequately demonstrated the proposed development will not result in a loss of flood storage or impedance of flood flows to ensure flood risk is not increased elsewhere and it has not been adequately demonstrated that the proposed development would be safe for its lifetime.</p> <p>For these reasons, the proposal is contrary to Policy F1 of the adopted Royal Borough of Windsor and Maidenhead Local Plan 1999 (including adopted alterations 2003), emerging policy NR1 of the Borough Local Plan (Main Modifications 2021) and paragraphs 163 - 173 of the National Planning Policy Framework 2021.</p>
3	It has not been adequately demonstrated how the proposal would conserve and enhance the ecological value of the site and surroundings and as such the proposal is contrary to Neighbourhood Plan policy NP/OE2 and emerging policies QP4 and NR2.
4	In the absence of a detailed Arboriculture Report, Tree Constraints Plan and Tree Protection plan it has not been possible for the Local planning Authority to fully assess the potential arboriculture related issues arising from the proposal. The scheme is therefore contrary to the aims of Policies DG1 and N6 of the Local Plan and emerging policies QP3 and NR2 of the Borough Local Plan (Main Modifications Version)
5	In the absence of a Noise Impact Assessment it has not been adequately demonstrated that the proposal would not emit unacceptable levels of noise, smell or fumes beyond the site boundaries and would not have an unacceptable impact on the living conditions of any neighbouring residents. The proposal is therefore contrary to Local Plan policy NAP3 and emerging policies QP3, EP1 and EP4.

## **2. REASON FOR PANEL DETERMINATION**

- 2.1 The Council's Constitution does not give the Head of Planning delegated powers to determine applications for major development; such decisions can only be made by the Committee.

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

- 3.1 The site lies on the northern bank of the River Thames in Wraysbury, close to the M25 motorway and the M25/A30 Bridge over the river. The site comprises a large plot of land which fronts onto the river and is accessed from Wraysbury Road via a private, long, narrow, gated shared driveway. The site comprises deciduous woodland with a central grassed area. Trees also run along the river bank. The site is sylvan in character and appearance. Views of the site are available from the opposite side of the river bank from the Thames Path.
- 3.2 The site lies to the south west of Queensmead Lake, a former gravel workings. There is a residential property, The Holm which lies to the east of the site and a residential property, number 68 Wraysbury Road which lies close to the site entrance. A commercial business, Logistic Freight Services lies to the west of the site entrance. The site lies close to the boundaries of Spelthorne Borough Council and Runnymede Borough Council.

## **4. KEY CONSTRAINTS**

- 4.1 The site lies within the Green Belt and Flood Zone 3.
- 4.2 The site also lies within the Colne Valley Regional Park and the setting of the River Thames. Protected Species have been identified in the area and the trees are covered by an Area Tree Preservation Order.

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

- 5.1 Outline consent is sought to construct a boatyard comprising a slipway and dry dock which would be served by a river inlet created from the river bank. The application form identifies that all matters are reserved for subsequent approval including access, layout, scale, appearance and landscaping. However, the application has been accompanied by a location plan, block plan and a Design and Access Statement which includes indicative details of the scale, layout and appearance of the development.
- 5.2 The development would comprise a large building/structure which would cover and partly enclose a slipway and dry dock. It would be constructed using 27 piles put into the ground. The covered steel frame structure is designed with open sides and a green, living wall installed 1.5m above ground level. The building would incorporate an office/store and a one bed, first floor manager's flat for security. Elevated walkways and stairways are proposed together with a ramp. The parking area would be constructed using grasscrete, a porous self-draining hard standing. A boat lifting gantry is also proposed. Other proposed features would include:
1. Riverbank and mooring bay bank protection using stone filled gabions and coir rolls.
  2. Re-wilding of the remainder of the site.
  3. Solar panels on the roof
  4. River turbine electrical generator.

As well as having direct access from the river, the site would also be served by an existing long, private, narrow driveway from Wraysbury Road which is shared with the neighbouring residential property, The Holm. The site entrance lies between numbers 66 and 68 Wraysbury Road.

5.3 The proposed facility is understood to be required to meet the demand for annual statutory boat inspections particularly for larger commercial craft operating on the non-tidal stretch of the Thames. It is also proposed to provide facilities to inspect large barges and houseboats as well as provision for lifting smaller vessels out of the water with the use of a gantry. The machinery required includes a pumping system for the dry dock and a winching system for the trolleys on the slipway.

5.4 The relevant planning history is set out as follows:

Reference	Description	Decision
19/00334/FULL	Construction of x1 dwelling	Withdrawn 16.06.19

## 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
Green Belt	GB1, GB2 & GB3
Character and Appearance	DG1, N2
Highways	P4, T5
Trees	N6
Noise Pollution	NAP3
Ground and surface water pollution	NAP4
Archaeology	ARCH2, ARCH3, ARCH4
Flood Risk	F1

6.2 **Horton & Wraysbury Neighbourhood Plan (2018 – 2033)**

Issue	NP Policy
Management of the Water Environment	SUSTEV 02
Landscape	OE1
Ecology	OE2

## 7. MATERIAL PLANNING CONSIDERATIONS

7.1 **National Planning Policy Framework Sections (NPPF) (2021)**

Section 12 – Achieving Well-Designed Places

Section 13 – Protecting Green Belt Land

Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15 – Conserving and Enhancing the Natural Environment

7.2 **Borough Local Plan: Main Modifications Version (July 2021)**

Issue	BLP MM Version Policy
Climate Change	SP2
Character and Design of New Development	QP3
River Thames Corridor	QP4
Rural Development	QP5
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodland and Hedgerows	NR3
Environmental Protection	EP1, EP3, EP4, EP5
Sustainable Transport	IF2

7.3 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

- a) *The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

7.4 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. 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 were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector's post hearings advice letter was received in March 2021. The consultation on the Main Modifications has recently closed.

7.5 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 9 of this report.

## 8.0 CONSULTATIONS CARRIED OUT

8.1 The application has been advertised as a major development in the local press on the 12<sup>th</sup> August 2021 and a site notice was posted on the 19<sup>th</sup> August 2021.

### Comments from interested parties

8.2 9 neighbouring occupiers were notified directly of the application.

8.3 One letter from the occupier of Holm House raised the following issues, summarised as follows:

Comment	Where in the report this is considered
2.0 Driveway is shared with Holm House and 68 (Kotan Lodge) Wraysbury Road – it is not suitable for two way traffic – it was never intend for heavy traffic or commercial use.	Paragraphs 9.38-9.40
11 Wraysbury Road is notorious for accidents.	9.38-9.40
12 Restricted visibility from access.	9.38-9.40
13 Increase in traffic on drive – implications for pedestrians, cyclists and motorists.	9.38-9.40
14 If new development needs access for larger vehicles or towing trailers a new separate access may be required.	9.38-9.40
15 Existing driveway would need to be widened.	9.38-9.40
16 Flooding occurs regularly – frequency of higher flood waters is increasing. Need to ensure that proposal will not increase the frequency and/or severity of flooding in the surrounding area.	9.9-9.18
17 The site is not derelict – it comprises trees and dense undergrowth and is a haven for wildlife.	9.31-9.34
18 Environmental damage needs to be minimised.	9.22-9.27

8.4 Three letters of support, one from The Barge Association, one from The Passenger Boat Association and one from Salter's Steamers Ltd have been received, summarised as:

Comment	Where in the report this is considered
1. The facility is desperately needed by commercial boating businesses and barge owners.	Paragraphs 9.44-9.49
2. Dramatic reduction in boatyards that can cope with bigger boats	9.44-9.49
3. Demand has increased due to improvements in public safety and inspections of passenger boats every year.	9.44-9.49
4. Redevelopment of boatyards has worsened situation	9.44-9.49
5. The EA has suspended use of boat lift at Thames & Kennet at Reading as well as dry dock at Sunbury – no large vessels can be taken out of the water on the upper Thames.	9.44-9.49
6. Proposal would provide excellent new facility for docking/slipping of boats on the non-tidal Thames	9.44-9.49
7. The EA objection on flooding grounds is unfounded.	9.9-9.18
8. Salter's Steamers have their own facility in Oxford, but new facility would be useful for mid-season breakdowns	9.44-9.49
9. Isolated site adjacent to M25 and industrial activities is an ideal location for new facility.	9.44-9.49
10. Boatyard security is very important and live-in manager is useful.	9.11

### Statutory Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	Object and recommend refusal.	Paragraphs 9.9-9.18

### Consultees

Consultee	Comment	Where in the report this is considered
Wraysbury Parish Council	This outline application is supported by the Parish Council with the reservation to submit further comments on any full planning application.	
Lead Local Flood Authority	Further information is required to determine surface water run-off rate and discharge.	9.19-9.21
Highways Section	The proposal raises no highway concerns – a Construction Management Plan (CMP) needs to be secured.	9.38-9.40
Environmental Protection	A condition to restrict rating level of noise emitted from the site needs to be secured to protect residential amenity. Informatives relating to smoke and dust control also need to be secured.	9.35-9.37
Ecology	Initial comments:  Refuse of the grounds that insufficient information has been provided to determine the likely impact of the proposal upon protected species.  Comments on preliminary ecological impact assessment:  Awaited.	9.22-9.27
Highways England	No objection but request to be consulted on any future Construction Environmental Management Plan (CEMP)	Noted
Spelthorne Borough Council	No comments received	
Runnymede Borough Council	No objection	
Archaeology Officer	Potential archaeological implications associated with the proposed scheme – condition recommended	9.41

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i. Green Belt
- ii. Flood Risk
- iii. Ecology
- iv. Trees
- v. Impact on character and appearance
- vi. Residential Amenity
- vii. Highway Safety and Parking
- viii. Archaeology

- ix. Sustainability
- x. Very Special Circumstances

**i Green Belt**

9.2 The site lies within the designated Green Belt. The Government attaches great importance to Green Belts. 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.

9.3 Paragraphs 147 and 148 of the NPPF states:

*'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'*

*'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, is clearly outweighed by other considerations.'*

9.4 Local Plan policy GB1 provides a list of development which would be acceptable in the Green Belt. Local policy GB2 reinforces the qualifications on openness and purposes, stipulating that permission will not be granted for development if it would have a greater impact on the openness of the Green Belt, or the purposes of including land in it, than the existing development. Local Plan policy GB3 states there will be a general presumption against allowing proposals for residential development except in certain circumstances. Whilst the policies are not wholly consistent with the Framework Policy GB2 (a) is almost identical to that of the NPPF and is essentially compliant with the aims and objectives of the NPPF. Emerging policy QP5 is consistent with the NPPF and seeks to protect the Green Belt against inappropriate development unless very special circumstances can be demonstrated.

9.5 The proposal seeks outline consent to construct a river boat slipway and dry dock with associated steel structure/building including a first floor manager's flat. The proposal does not fall within the list of specified exceptions set out in paragraphs 149 and 150 of the NPPF and would constitute inappropriate development in the Green Belt which, by definition, is harmful.

Impact on openness and purposes

9.6 In addition to the harm caused by inappropriateness, the proposal would have a significant impact on the openness of the Green Belt. The site is currently undeveloped and the proposal would introduce a sizeable structure/building and increase activity on the site, including vehicle movements. The term openness, pursuant to Paragraph 001 Reference ID: 64-001-20190722 of the NPPG, has both a spatial and visual dimension and in this case the harm to openness would arise from both the presence of built form and increased activity on the site. Furthermore, the proposal would conflict with one of the five purposes of the Green Belt, namely to assist in safeguarding the countryside from encroachment.

9.7 The proposal would constitute inappropriate development which would result in a significant impact on openness, conflicting with the purposes of the Green Belt to which

substantial weight must be attached. The proposal would be contrary to Local Plan policies GB1, GB2 and GB3 in so far as they are consistent with the NPPF and contrary to emerging policy QP5 of the Borough Local Plan Main Modifications Version and the guidance set out in section 13 of the NPPF.

- 9.8 Inappropriate development can only be approved if 'Very Special Circumstances' can be demonstrated and VSC will not exist unless the harm to the Green Belt by inappropriate development and any other harm are clearly outweighed. The case for Very Special Circumstances will be discussed further below.

## **ii Flood Risk**

- 9.9 The application site lies adjacent to the River Thames and is situated within Flood Zone 3 (High probability of flooding). The site also lies within the 5% annual exceedance probability (AEP) flood outline which is identified by the RBWM Strategic Flood Risk Assessment (SFRA), June 2017 as being within Flood Zone 3b (the functional floodplain). The application has been accompanied by a Flood Risk Assessment however it does not comply with the requirements of site-specific flood risk assessment as set out in paragraph 30-32 of the PPG. Following objections raised by the Environment Agency a revised FRA (Version 2.00 dated 13<sup>th</sup> October 2021) was submitted and the applicant has provided two letters in the response to the EA objections dated 7<sup>th</sup> October 2021 and 5<sup>th</sup> November 2021. It is not however considered that the content of these letters satisfactorily addresses the objections raised by the EA.
- 9.10 Local Plan policy F1 states that within areas liable to flood new development will not be permitted unless it can be demonstrated to the satisfaction of the Borough Council that the proposal would not itself, or cumulatively in conjunction with other development: 1) impede the flow of flood water; or 2) reduce the capacity of the flood plain to store flood water; or 3) increase the number of people or properties at risk from flooding. Neighbourhood Plan policy NP/SUSTDEV 02 does not support development proposals within Flood Zones 2 and 3 unless it involves the one for one replacement of dwellings or extensions to existing houses. Emerging policy NR1 has a number of criteria which need to be met including the requirement of an appropriate flood risk assessment to demonstrate that the development is located and designed to ensure that flood risk is acceptable in planning terms; a sequential test is required for all development in areas at risk of flooding to ensure that all development is located in the lowest flood risk areas, with the exception of water compatible uses and essential infrastructure. Development proposals should include an assessment of the impact of climate change using appropriate climate change allowances over the lifetime of the development and development should not impede the flow of flood water, reduce the capacity of the floodplain to store water, increase the number of people, property at risk of flooding, cause new or exacerbate flooding problems or reduce the water's viability as an ecological network or habitat for notable species of flora and fauna. The proposal also needs to accord with the guidance set out in paragraphs 167-169 of the NPPF.
- 9.11 The proposed boatyard would be classed as water-compatible development as set out in table 2 of the Guidance on 'Flood Risk and coastal change'. However the proposed residential unit is classified as 'more vulnerable' and table 3 makes it clear that it would not be appropriate within Flood Zone 3b and should not be permitted. It is important to note that there may be risk to life of a person within the functional floodplain during an extreme flood event. Emerging policy NR1 states that only water compatible uses and essential infrastructure development will be supported in the area defined as functional floodplain. It has not been demonstrated that the accommodation is essential for the

proposed development. Whilst the applicant has put forward the benefits of having an on-site manager to aid with security and access in an emergency it is not considered that this outweighs the high flood risk to future users. Although it is recognised that the application is outline with all matters reserved, the principle of the development, which incorporates 'more vulnerable' development in Flood Zone 3b is unacceptable.

### Sequential Test

- 9.12 A Sequential Test is required to be undertaken to determine whether there are any sites at lower risk of flooding where the proposed development could be located. In accordance with paragraph 162 of the NPPF development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. A Sequential Test has been submitted. The applicant has referred to the site having a 'residential history' and has attempted to argue that the site is exempt from requiring a ST as the proposal involves a 'change of use'. This is not accepted by the LPA. The proposal involves development and a ST is required. The Sequential Test would need to cover the whole of the Borough and identify sites with a lower risk of flooding which have been considered for the proposed development or explain why the development cannot be reasonably located in other locations within Flood Zones 1 or 2. The ST provided has looked at the area of the Thames Valley from Marlow to Chertsey and covers the Thames from Marlow Lock to Penton Hook which encompasses the stretch of river within the Borough. The ST states that most of the land within the study area lies within flood zone 3. No riverside sites have been identified for commercial development possibilities and the research concludes that *'this site is the only suitable available option for this much-needed development.'* The information provided does not include evidence as to which sites have been specifically looked at and why they have been discounted. No detailed analysis has been provided and it is not considered that the ST has been passed. Only if the ST is passed does the Exception Test and safe access and egress fall to be considered.

### FRA and Exceptions Test

- 9.13 The FRA does not meet the requirements for site-specific flood risk assessments as set out in paragraphs 30-32 of the PPG. The FRA does not adequately assess the flood risks posed by the development. In particular the FRA fails to:
1. Take the impacts of climate change into account
  2. Demonstrate that the development is 'safe' for its lifetime
  3. Demonstrate that any loss to floodplain storage within the 1% annual exceedance probability (AEP) plus an appropriate allowance for climate change flood extent caused by the proposed development can be mitigated for.
- 9.14 Without a proper assessment on the impacts of climate change on flood risk, the risk to people and property in this location is not known. The proposed development includes an increase in built footprint in the floodplain and changes in land levels (such as to create a river inlet). The submitted FRA does not clearly detail net loss of floodplain storage within the 1% AEP plus an appropriate allowance for climate change flood extent or the proposed floodplain compensation to ensure there is no loss of floodplain storage. This is essential to ensure flood risk is not increased elsewhere. Any increase in built development or change in ground levels within the floodplain will only be acceptable if it can be demonstrated the proposed development will not result in a loss

of flood storage or impedance of flood flows to ensure flood risk is not increased elsewhere. Finished floor levels should also be raised as high as possible above the 1% AEP plus appropriate allowance for climate change flood level to reduce the risk of flooding to people and property.

- 9.15 The amended FRA does not include an assessment of climate change or refer to detailed flood modelling. The proposed development should be assessed against the 1% annual exceedance probability (AEP) plus an appropriate allowance for climate change flood event.
- 9.16 The finished floor levels for the office are proposed to be set 1500mm above ground level and the finished floor levels for the residential accommodation are proposed to be set 4200mm above ground level. These levels have not been compared to the 1% AEP plus an appropriate allowance for climate change flood level, therefore the risk to future occupants is not known. The proposal includes a 1500mm void described as a covered steel frame with open sides under the office and first floor. It has not been demonstrated that this is sufficient to prevent a loss of floodplain storage in the 1% AEP plus an appropriate allowance for climate change flood event. Neither the flood level nor the soffit height of the void, in metres above ordnance datum (mAOD) have been stated. Therefore it has not been adequately demonstrated that the proposed development will not increase flood risk elsewhere.
- 9.17 The applicant's letter dated 7<sup>th</sup> October 2021 refers to an '*elevated walkway from the upper level of the facility which includes the proposed accommodation unit to the footpath adjoining the A30 embankment*'. No details of this raised walkway nor site specific flood warning and evacuation plans have been provided.
- 9.18 To conclude the site lies within the functional floodplain (zone 3b) and the introduction of residential development is unacceptable in principle. The applicant has failed to undertake an appropriate FRA or Sequential Test and the application has failed to demonstrate that the development would not increase flood risk elsewhere. The development is therefore contrary to the objectives of Policy F1 of the Local Plan, Neighbourhood plan policy NP/SUSTDEV 02, emerging Policy NR1 and Section 14 of the NPPF.

#### Surface Water Flooding and Drainage (LLFA)

- 9.19 With regard to surface water drainage, the LLFA has recommended that permission is not forthcoming at this time until further information is provided. The proposed development as a boatyard is also potentially a contaminating use and is proposed within Source Protection Zone 3 and over secondary aquifer. If infiltration drainage is proposed then it must be demonstrated that it will not pose a risk to groundwater quality.
- 9.20 Local Plan policy NAP4 states that the Council will not grant planning permission for development which poses or might pose an unacceptable risk to the quality of groundwater and/or which would have a detrimental effect on the quality of surface water. Emerging policy EP5 states that development proposals will be supported where it can be demonstrated that proposals will not cause unacceptable harm to the quality of ground water including Source Protection Zones and do not have a detrimental effect on the quality of surface water. Development proposals should demonstrate how they will achieve remedial or preventative measures and submit any supporting assessment.

- 9.21 At the reserved matters stage further details of measures to ensure that the development would have no detrimental effect on surface water and ground water pollution will be required.

### **iii. Ecology**

- 9.22 Neighbourhood Plan policy NP/OE2 states that development proposals that conserve and enhance biodiversity will be supported and proposals should give particular regard to ecological networks and should retain, protect and enhance features of biodiversity interest and ensure that any adverse impacts are avoided or minimised through mitigation. Development proposals that would have an adverse impact on the ecological or biodiversity resources and which cannot be appropriately avoided or mitigated will not be supported. Emerging policy QP4 requires the special character and setting of the River Thames to be conserved and enhanced. This includes maintaining tree cover, the conservation and enhancement of the natural river bank and their associated bankside and marginal vegetation and the ecological value of the area including its role as a wildlife network. There may be opportunities for the restoration and enhancement of natural elements of the river environment that should be incorporated within the design of new developments. The ecological value of the river will need to be maintained and in appropriate circumstances restored and enhanced together with natural elements of the riparian environment. Proposals should seek to promote the healthy growth in the use of the River Thames for communities, wildlife, leisure and business in ways that are compatible with its character, setting and ecology and in line with the objectives of the River Thames Plan and the Environment Agency's River Basin Management Plan. Emerging policy NR2 requires development proposals to demonstrate how they maintain, protect and enhance the biodiversity of application sites including features of conservation value such as trees, river corridors and the presence of protected species. Proposals will need to avoid impacts on habitats and species of principle importance such as those listed under Section 41 of the NDERC Act 2006. Development proposals shall be accompanied by ecological reports in accordance with BS42020 to aid assessment of the proposal and shall include mitigation measures necessary to make the development acceptable. Proposals next to rivers need to ensure that they will not lead to the deterioration of the ecological status of the waterbodies and where feasible will contribute to raising their status in line with the aims of the NPPF, the Water Framework Directive and Thames River Basin Management Plan.
- 9.23 The site comprises a plot of land consisting of grassland and deciduous woodland connecting to the River Thames. The site lies adjacent to the River Thames and the surrounding landscape is characterised by lakes, woodland and scrub. The woodland is protected by an Area Order. The woodland and River Thames are priority habitats as defined in the NPPF. The grassland could also be a priority habitat. The habitats on and around the site could host a wide range of protected and priority species including protected plants, bats, badger, reptiles, amphibians, otter, water vole and nesting birds. As such there is a risk that the proposals may impact upon priority habitats and protected and priority species. The Council's ecology officer has advised that an ecological appraisal comprising an extended Phase 1 Habitat and Species Scoping Survey, preliminary bat roost assessments of any trees to be affected and phase 2 surveys would need to be submitted prior to the determination of the application. Due to the potential botanical interest of the site, any plant survey should be undertaken during the growing season in this case. A Preliminary ecological impact assessment has now been submitted. The views of the Council's ecology officer have been sought and will be provided in a Committee update.

- 9.24 Other issues such as artificial light pollution would need to be considered at the reserved matters stage in terms of emerging policy EP3.
- 9.25 The activities would require a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016 and the EA has advised it is unlikely to be granted for this current proposal. In determining the flood risk activity permit for this development the EA will assess its compliance with the Thames River Basin Management Plan and consider how the development affects water biodiversity and the wetland environment. A full ecological assessment is required in order to assess how the proposal would affect species and habitats and the assessment would need to demonstrate how this risk would be controlled and where possible, identify opportunities for environmental improvements.
- 9.26 The site has quite a dense tree cover and the area is classed as a Habitat of Principle Importance under Section 41 of Natural Environmental and Rural Communities (NERC) Act 2006. This habitat would likely support a range of species and provide a vital wildlife corridor. The proposal includes bank protection work in the form of gabions and coir rolls to address river bank erosion. The EA has indicated that they are generally opposed to hard bank protection and have advised that natural bank, if present, should be retained as this is now very rare along the Lower Thames. Although re-wilding of the remaining site and enhanced biodiversity has been mentioned in the application, no further details have been provided at this stage. It is not therefore possible to understand the full impact of the proposal on ecology and whether any net gain in biodiversity can be achieved for the site.
- 9.27 Subject to the final views of the ecology officer, it is considered that it has not been adequately demonstrated how the proposal would conserve and enhance the ecological value of the site and surroundings and as such the proposal is contrary to Neighbourhood Plan policy NP/OE2 and emerging policies QP4 and NR2.

#### **iv. Trees**

- 9.28 Local Plan policy N6 requires a tree survey to be submitted as part of an application where there are existing trees and plans should allow for the retention of existing suitable trees wherever practicable and include protection measures necessary to protect trees during the development. Where the amenity value of trees outweighs the justification for development then planning permission may be refused. Emerging policy NR3 requires development proposals to carefully consider the individual and cumulative impact of the proposed development on existing trees and woodlands including those that make a particular contribution to the appearance of the local character. Development proposals should protect trees and woodlands and where harm to trees is unavoidable appropriate mitigation measures that will enhance or recreate habitats will be required. Where trees are present on site or within influencing distance of the site, applications will need to be accompanied by an appropriate tree survey, constraints plan, tree protection plan and ecological assessment. Where the amenity value of trees and woodland outweighs the justification for development, planning permission may be refused.
- 9.29 The site comprises deciduous woodland and is sylvan in character and appearance. The trees are covered by an Area Order. There is a line of mature trees which run along the river bank and the narrow driveway is heavily treed on either side. The dry dock and slipway facility is proposed to be constructed largely within a 'clearing' on the site. The river bank is badly eroded and the applicant argues that if nothing is done to protect the river bank then the majority of trees along the riverbank would imminently be lost. It is unclear what impact the works to the river bank would have

on these trees and it is also unclear what improvements to the existing access drive, if any, would be required to facilitate the development and what impact the use of the drive from large trailers transporting boats by road would have on the trees.

- 9.30 Whilst an initial tree report has been submitted no detailed Arboriculture Survey/Report, Tree Constraints Plan, Arboricultural Method Statement and Tree Protection Plan has been supplied. It has not been possible for the Local planning Authority to fully assess the potential impact of the proposed development on the trees on the site and the scheme is therefore contrary to the aims of Policies DG1 and N6 of the Local Plan and Policies QP3 and NR2 of the emerging Borough Local Plan (Main Modifications Version)

**v. Impact on Character and Appearance**

- 9.31 The site has been described by the applicant as *'a small area of derelict land left over from extensive nearby grave extraction and highway development'*. The applicant has also made reference to fly tipping and litter discarded from vehicles using the M25. The site is currently fairly heavily treed and is sylvan in character and appearance and contributes to the setting of the River Thames. It is not accepted that the site is 'derelict'. It is an undeveloped site. Views of the site are available from the Thames Path which runs along the southern bank of the River Thames.
- 9.32 Local Plan policy DG1 sets out design guidelines and states that harm should not be caused to the character of the surrounding area as a result of the loss of important features which contribute to that character. Neighbourhood Plan policy NP/OE1 requires development to conserve and enhance the quality and character of the landscape and in particular development will be expected to retain and where possible improve the visual appearance of the land by protecting and enhancing the landscape features such as vegetation, existing trees, the open nature of the riverside meadows, as well as the riparian setting of the River Thames. Local Plan policy N2 deals specifically with the setting of the River Thames. The Borough Council will seek to conserve and enhance the setting of the Thames and will not permit development which would adversely affect the character and setting of the river. It will be expected that development should respect the water frontage in terms of character, height, scale and bulk and retain tree-cover and conserve the ecological value of the area. Emerging policy QP3 expects new development to respect and enhance local and natural character of the environment paying particular regard to things like scale, bulk, massing, proportions, trees and biodiversity. Emerging policy QP4 sets out a number of criteria which need to be adhered to in terms of the River Thames Corridor. The special character and setting of the River Thames will be conserved and enhanced and appropriate development proposals associated with river related activities and employment will be supported. Development proposals will be required to protect and enhance views to and from the river, maintain tree cover, conserve and enhance natural river banks and their associated bankside and marginal vegetation and the ecological value of the area including its role as a wildlife network.
- 9.33 The information provided with the application indicates a very sizeable building/structure and the proposal makes it clear that the development is to serve 'larger commercial craft'. Views of the site are available from the river, the Thames Path which runs along the opposite side of the river bank and from the shared driveway. There is currently a row of mature trees along the river bank which provides some screening but it is unclear whether these trees can be retained or relied upon in the future.
- 9.34 The site is currently undeveloped and contributes to the riparian setting of the River Thames. There is concern that the proposal would introduce a large, prominent

building on this currently undeveloped site. In addition works to the river bank are proposed and it has not been adequately demonstrated that the proposal would not have an adverse impact on the visual appearance of the natural riverbank and would not involve the loss of trees and the ecology value of the site. Overall there is concern that the scale and appearance of the development would have a detrimental impact on the riparian setting of the River Thames and the sylvan character and appearance of the site and would be contrary to Local Plan policy N2, Neighbourhood Plan policy NP/OE1 and emerging policy QP4. However scale and appearance fall to be considered at the reserved matters stage and is not for consideration at this outline stage.

#### **vi. Residential Amenity**

- 9.35 Local Plan policy NAP3 states that the Council will not grant planning permission for proposals likely to emit unacceptable levels of noise, smell or fumes beyond the site boundaries. Emerging policy QP3 requires proposed development to have no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight. Emerging policy EP1 states that residential amenity should not be harmed by reason of noise, smell and other nuisance. Emerging policy EP4 requires development proposals to consider the noise and quality of life impact on existing nearby properties and developments which generate unacceptable levels of noise will not be permitted. Effective mitigation measures will be required where proposals may generate significant levels of noise and may cause an adverse impact on residents, rural character of an area or biodiversity. The Council will require noise impact assessments to be submitted where development proposals will generate noise.
- 9.36 The neighbouring residential properties lie some distance from the site. Number 68 Wraysbury Road lies close to the site entrance and Holm House lies to the east of the site. The M25 motorway provides a level of background noise. The application has not been accompanied by a Noise Impact Assessment so it is difficult to fully assess the impact of any noise generated by the proposal in terms of the living conditions of any neighbouring properties. The Environmental Protection team has suggested a condition to restrict the rating level of noise emitted from the site to protect residential amenity. However it is considered appropriate in this case to require a Noise Impact Assessment. This will enable a full assessment of the proposals impact in terms of noise on existing neighbouring properties and effective mitigation measures to be provided, if required.
- 9.37 As things stand it has not been adequately demonstrated that the proposal would not emit unacceptable levels of noise, smell or fumes beyond the site boundaries and would not have an unacceptable impact on the living conditions of neighbouring residents and as such would be contrary to Local Plan policy NAP3 and emerging policies QP3, EP1 and EP4.

#### **vii Highway Safety & Parking**

- 9.38 Local Plan policy T5 requires development proposals to comply with the Highway Design standards. Emerging policy QP3 requires development proposals to deliver easy and safe access and movement for pedestrians, cyclists, cars and service vehicles and maximise the use of sustainable modes of transport where possible.
- 9.39 The site is served by a vehicular access located between numbers 66 and 68 Wraysbury Road which is shared with number 68 Wraysbury Road and Holm House. A long, private, narrow, gated driveway leads from the shared entrance/exit to the site. It is heavily treed on both sides and there is no room for two way traffic to pass. The

Highways section has raised no objection in principle to the proposal. However it would need to be demonstrated how adequate visibility onto Wraysbury Road can be achieved. No details as to the level of traffic generated by the proposal or the number and types of vehicles using the access and driveway has been provided. Although it is assumed that the majority of boats for inspection/repair would arrive by river there are likely to be some boats that would arrive by road on the back of a trailer/lorry and the proposal would intensify the use of the existing shared access.

- 9.40 Overall it is considered that more information is required. A Transport Statement needs to be provided to enable a full assessment as to the suitability of the access to be made in accordance with Local Plan policy T5 and emerging policy QP3. The suitability of the access falls to be considered at the reserved matters stage.

### **viii Archaeology**

- 9.41 There are potential archaeological implications associated with this proposed development. The site lies within the Thames Valley, immediately adjacent to the river. It therefore lies over the floodplain and gravel terraces which have been a focus of settlement, agriculture and burial from the earlier prehistoric period to the present day. The application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance. In the event of planning permission being granted a condition would need to be secured to mitigate the impacts of the development.

### **ix Sustainability**

- 9.42 A Position Statement on Sustainability and Energy Efficient Design (March 2021) sets out the expectations of new development consistent with the sustainability guidance set out in the NPPF to help deliver on the national and local commitments to address climate change and the Environmental and Climate Strategy of RBWM. Emerging policy SP2 requires all development to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. Emerging policy QP3 expects development to be climate change resilient and incorporate sustainable design and construction which minimises energy demand and water use, maximises energy efficiency and minimises waste.
- 9.43 There is a list of 7 criteria set out in the Interim Sustainability Position Statement and it needs to be demonstrated how the criteria are met by the proposed development. The D & A Statement states that the requirement for heating would be limited as a large proportion of the building would be open. It is also intended to provide a water source heat pump and solar panels. Further details would be required at the reserved matters stage to ensure that the requirements set out in the Interim sustainability position statement are met and to ensure compliance with emerging policy SP2.

### **x. Very Special Circumstances**

- 9.44 The objectives of national Green Belt policy are discussed above. Of relevance however is paragraph 148 that states Very Special Circumstances (VSC's) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 9.45 It has been concluded above that the development constitutes inappropriate development which is harmful by definition. There is further harm to the Green Belt as a result of harm to openness and harm to purposes. Substantial weight needs to be given to cumulative harm to the Green Belt. Furthermore, significant weight needs to

be attached to other harm which relating to flood risk, potential harm to ecology and trees and the impact on the character and appearance of the area.

- 9.46 The applicant has submitted information in support of the proposal. It refers to the sustained growth in river based leisure and hospitality boating and the increased demand for continual improvement in public safety and passenger boats having to be rigorously inspected every year. This has coincided with the loss of boatyards over the last 40 years including the closure of 9 yards within RBWM and a further 5 close by. It is argued that boat operators are finding it increasingly difficult to find yards to lift craft out of the water for mandatory inspectors. The application has been accompanied by a letter of support from the Chairman of the Passenger Boat Association who owner of Thames River Cruise based in Reading. The letter states that *'the facility is desperately needed by the commercial boat businesses up and down the river'* and goes on to say that there has been a dramatic reduction in yards that can cope with bigger boats and demand for safety inspections has increased substantially. Further letters of support have also been received, referred to above, which reiterates the need for more boatyards to ensure ships are well-maintained and safe for occupation.
- 9.47 The economic benefits of the proposal have been put forward in terms of supporting tourism, hospitality and providing jobs. The facility would employ a minimum of 4 permanent and 4 part-time staff and provide the possibility to train those wanting to make a profession of boat inspection. It is argued that the facilities are required to ensure that commercial craft are maintained to be highest standards. The safety of commercial craft is paramount and the provision of inspection facilities is vital.
- 9.48 No details of existing available facilities for lifting out, slipways and dry docks on the River Thames has been provided. Similar facilities appear to be available at other locations along the river including Windsor Marina, Bray Marina, Penton Hook Marina and Bridge Marina. It has not been adequately demonstrated that there is a specific need for a boatyard in this location or that there are not any other more suitable sites available for a boatyard.
- 9.49 As things stand no VSC has been adequately demonstrated in this case to outweigh the harm to the Green Belt and any other harm.

## **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

The proposed development in not CIL liable.

## **11. CONCLUSION**

- 11.1 The proposal is considered to constitute inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. This harm attracts substantial weight. The proposal would not preserve the openness of the Green Belt, which is one of its essential characteristics, and its encroachment into the countryside would conflict with one of the purposes of including land within the Green Belt. The proposal would also result in other potential harm in terms of flood risk, ecology, trees and impact on the character and appearance of the site. The benefits of the scheme put forward by applicant are not considered to outweigh the harm to the Green Belt and any other harm. Therefore, it is considered that VSC has not been adequately demonstrated to justify the proposal and the proposal is unacceptable to the reasons set out below.

## **12. APPENDICES TO THIS REPORT**

- Appendix A – Site Location Plan

- Appendix B – Proposed block plan
- Appendix C – Outline design - floor plans and elevations

### 13. REASONS FOR REFUSAL:

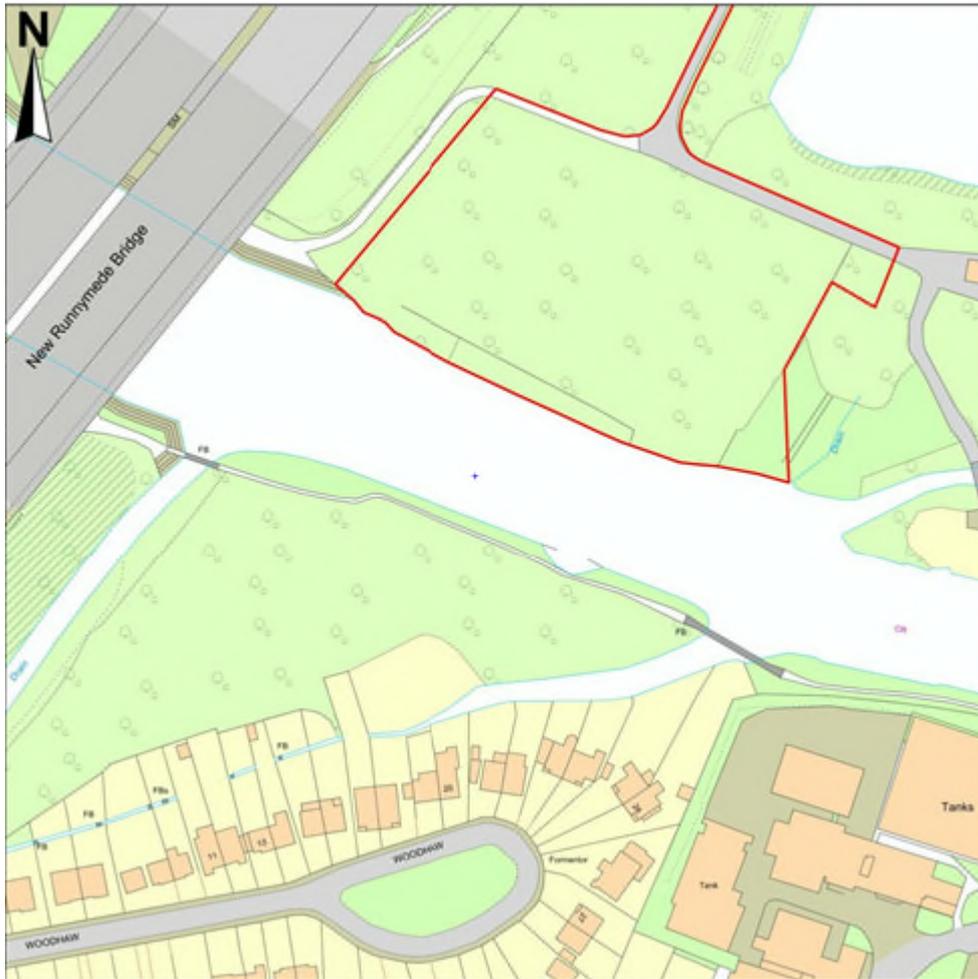
- 1 The application site lies within the designated Green Belt. The proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. Furthermore, the proposal would result in harm to the openness of the Green Belt and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'. No Very Special Circumstances have been demonstrated that clearly outweigh the harm and any other harm. The proposal is therefore contrary to paragraphs 147, 148 and 149 of the National Planning Policy Framework (2021), saved policies GB1, GB2(a) and GB3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003) and emerging policy QP5 of the Borough Local Plan (Main Modifications 2021).
- 2 The application site falls within Flood Zone 3b (functional flood plain) wherein residential development is unacceptable in principle.  
The proposal fails to demonstrate that there are no other reasonably available sites appropriate for the proposed development within a lower risk of flooding. The application therefore fails the sequential test.  
The FRA does not meet the requirements for site-specific flood risk assessments as set out in paragraphs 30-32 of the PPG and does not adequately assess the flood risks posed by the development. It has not been adequately demonstrated the proposed development will not result in a loss of flood storage or impedance of flood flows to ensure flood risk is not increased elsewhere and it has not been adequately demonstrated that the proposed development would be safe for its lifetime.  
For these reasons, the proposal is contrary to Policy F1 of the adopted Royal Borough of Windsor and Maidenhead Local Plan 1999 (including adopted alterations 2003), emerging policy NR1 of the Borough Local Plan (Main Modifications 2021) and paragraphs 163 - 173 of the National Planning Policy Framework 2021.
- 3 It has not been adequately demonstrated how the proposal would conserve and enhance the ecological value of the site and surroundings and as such the proposal is contrary to policy NP/OE2 in the Horton and Wraybury Neighbourhood Plan and emerging policies QP4 and NR2 set out in the Borough Local Plan (Main Modifications 2021)
- 4 In the absence of a detailed Arboriculture Report, Tree Constraints Plan and Tree Protection plan it has not been possible for the Local planning Authority to fully assess the potential arboriculture related issues arising from the proposal. The scheme is therefore contrary to the aims of policy DG1 and N6 of the adopted Royal Borough of Windsor and Maidenhead Local Plan 1999 (including adopted alterations 2003) and emerging policies QP3 and NR2 of the Borough Local Plan (Main Modifications Version 2021)
- 5 In the absence of a Noise Impact Assessment it has not been adequately demonstrated that the proposal would not emit unacceptable levels of noise, smell or fumes beyond the site boundaries and would not have an unacceptable impact on the living conditions of any neighbouring residents. As such the proposal is contrary to policy NAP3 of the adopted Royal Borough of Windsor and Maidenhead Local Plan 1999 (including adopted alterations 2003) and emerging policies QP3, EP1 and EP4 of the Borough Local Plan (Main Modifications Version 2021).

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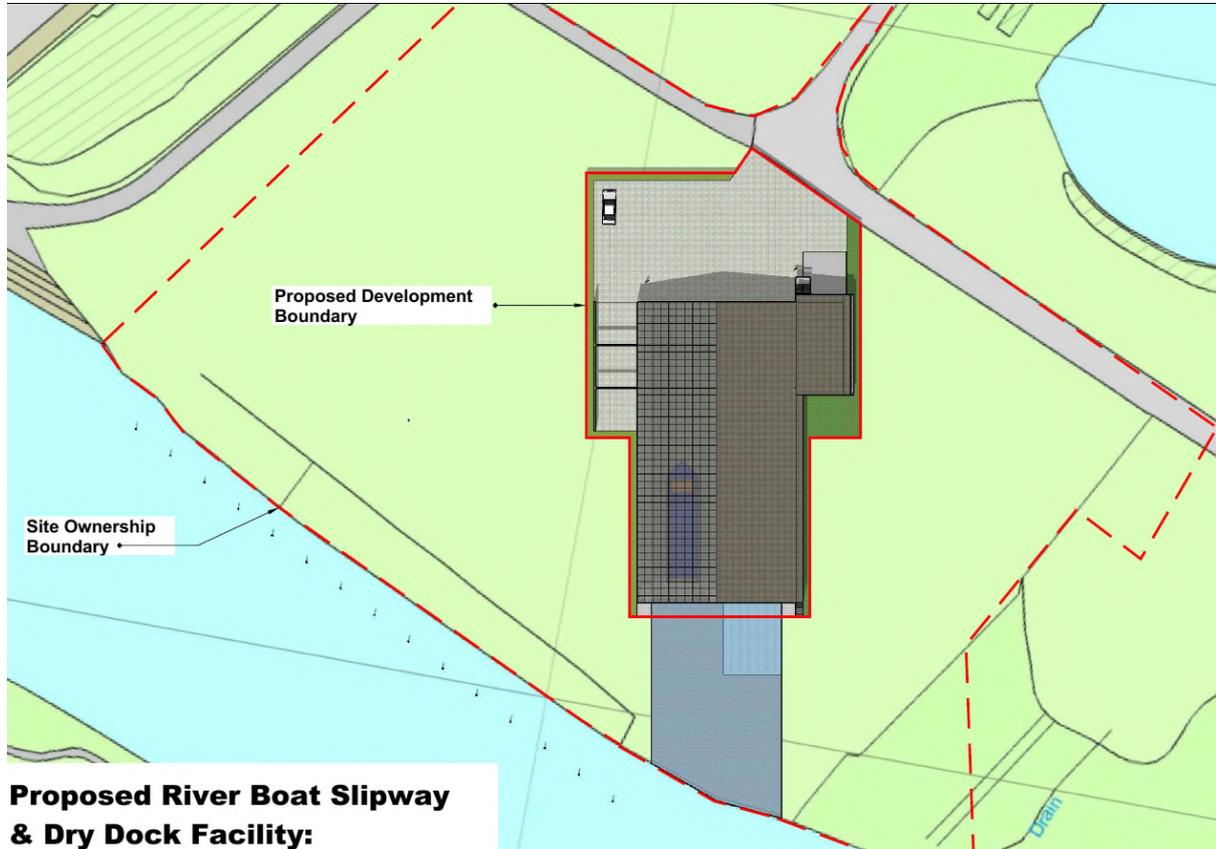
APPENDIX A – SITE LOCATION PLAN – taken from D & A Statement



# Site Location Plan – OS extract



## APPENDIX B – BLOCK PLAN



# APPENDIX C – OUTLINE OF FLOOR PLANS AND ELEVATIONS

