

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

DEVELOPMENT CONTROL PANEL

4 May 2022

Item: 1

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|---|--|
| Application No.: | 21/02291/FULL |
| Location: | Alexandra Gardens Barry Avenue Windsor SL4 5JA |
| Proposal: | Ice rink and attractions from November to January 2022-2025. |
| Applicant: | Mr Coleman |
| Agent: | Not Applicable |
| Parish/Ward: | Windsor Unparished/Eton And Castle |
| If you have a question about this report, please contact: Briony Franklin on 01628 796007 or at briony.franklin@rbwm.gov.uk | |

1. SUMMARY

- 1.1 The application follows several temporary permissions granted to use part of Alexandra Gardens in Windsor to host a visitor/tourist attraction for the Christmas Period. The attractions include an ice rink, marquees and several attractions/rides. The use of part of the park is for a temporary period to operate annually between the months of November and January (including set up and dismantling) for the years 2022 – 2025.
- 1.2 The site layout and some of the attractions have slightly altered since the previous temporary permission was granted but essentially the proposal remains very similar. The level of harm caused to the designated Heritage Assets would be less than substantial. This harm needs to be weighed against the public benefits of the proposal and in this case there would be a positive benefit to the town's economy with the beneficial increase in the visitor numbers to the area.
- 1.3 Given the temporary nature of the proposal it is acceptable in terms of its impact on the character and appearance of the site itself, the River Thames Corridor, the living conditions of neighbouring properties, flood risk, trees, highways, parking and sustainability.

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| <p style="text-align:center">It is recommended the Committee grants planning permission with the conditions listed in Section 14 of this report.</p> |
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2. REASON FOR COMMITTEE DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended as the Council has an interest in the land and objections have been received.
Cllr Bowden has called in the application, irrespective of the recommendation, given the site is situated in a unique setting in Windsor and that it is necessary that all affected residents are aware of the impact before, during and after its installation.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 Alexandra Gardens, a large public amenity space, lies south of Barry Avenue and the River Thames and to the west of Goswell Road in Windsor Town Centre. The gardens

comprise large areas of lawn with trees/planting and is intersected by several paved walkways. To the south of the site lies the coach park and public car park. Views of Windsor Castle are available from the gardens.

4. KEY CONSTRAINTS

- 4.1 Alexandra Gardens lies within the River Thames Corridor and Flood Zone 3 (High probability of flooding). The site lies adjacent to the Windsor Town Centre Conservation Area.

5. THE PROPOSAL

- 5.1 As in previous years the application proposes the temporary use of part of Alexandra Gardens for visitor/tourism attractions, including a covered ice rink with associated areas and rides/attractions for children and adults. Planning permission is sought for the construction of the ice rink and attractions annually between November and January for the years 2022-2025. This would enable the attractions to be assembled in November, to operate from November until January and to be dismantled/removed from the site by the end of January. The land would then be restored/reinstated to its former condition by the end of February.
- 5.2 A total of 11 rides are proposed. The Dodgems, the Helicopter ride, Race O Rama, Twister, Bungee Trampolines, Mini Planes, and the Waltzer remain unchanged and Monster trucks, Trooper, Apple Coaster and Avengers are now included. The heights of the rides when in operation range between 3.04m to 13.22m.
- 5.3 The number of rides has increased from 9 to 11 and the layout of the rides and attractions has altered. The main pathway through the site is retained.

6. RELEVANT PLANNING HISTORY

| Reference | Description | Decision |
|---------------|--|-----------------------|
| 21/01599/FULL | Observation wheel and refreshment unit to be sited from 1st July to 30 th September 2021 | Pending consideration |
| 20/02814/NMA | Non-material amendments to planning permission 19/00313/FULL for changes to the layout to include the 90-degree turning of the marquee to comply with social distancing regulations. | Permitted 20.11.20 |
| 19/02991/NMA | Non-material amendments to planning permission 19/00313/FULL to change attraction 9 from the Waltzer to the flying dumbos | Permitted 25.11.19 |
| 19/00313/FULL | Construction of ice rink and attractions between October and January for the years 2019-2022 | Permitted 19.9.19 |
| 17/04007/FULL | Construction of ice rink and attractions from 30 th October 2018 to 21 st January 2019 | Permitted 30.4.18 |
| 17/00895/FULL | Construction of ice rink and attractions from 30 th October 2017 to January 21 st 2018. | Permitted. 22.8.17 |
| 16/01788/FULL | Construction of ice rink and attractions from November to January | Approved 22.07.2016 |

| | | |
|---------------|--|------------------------|
| 15/01800/FULL | Erection of an Ice Rink with family funfair attractions for a temporary period for use by public over Christmas period from November 2015 until January 2016 | Approved 21.08.2015 |
| 14/02390/FULL | Erection of an Ice Rink with family funfair attractions for a temporary period to be constructed from the 13th November 2014 in use between the 26th November 2014 through to 7th January 2015 and dismantled from site by 14th January 2015 | Approved 10.10.2014 |

7. DEVELOPMENT PLAN

7.1 The main relevant policies are:

Adopted Borough Local Plan

| Issue | Policy | Compliance | |
|---|--------|------------|--|
| Climate Change | SP2 | Yes | |
| Character and Design of New Development | QP3 | Yes | |
| River Thames Corridor | QP4 | Yes | |
| Historic Environment | HE1 | Yes | |
| Managing Flood Risk and Waterways | NR1 | Yes | |
| Trees, Woodlands and Hedgerows | NR3 | Yes | |
| Environmental Protection | EP1 | Yes | |
| Artificial Light Pollution | EP3 | Yes | |
| Noise | EP4 | Yes | |
| Sustainable Transport | IF2 | Yes | |
| Open Space | IF4 | Yes | |

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

Section 12- Achieving well-designed places

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

Section 16- Conserving and enhancing the historic environment

Supplementary Planning Documents

- Borough Wide Design Guide
- Conservation Area Appraisal – Windsor Town Centre 2009

Other Local Strategies or Publications

- Interim Sustainability Position Statement
- Environment and Climate Strategy

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

21 occupiers were notified directly of the application.

5 letters were received objecting to the application from 3 residents, summarised as:

| Comment | | Where in the report this is considered |
|---------|---|--|
| 1. | Loss and destruction of public green space | Section 10.6 |
| 2. | Increase in pollution – noise, fumes and light. | Section 10.10-10.12 |
| 3. | Extra traffic and no parking provision | Section 10.15 & 10.6 |
| 4. | Ugly funfair causes unnecessary disruption to historic gardens and views of castle. | Section 10.2-10.5 |
| 5. | Area has been extended and is very close to trees and planting. | Section 10.17 & 10.18 |
| 6. | Proposals are unsightly and out of keeping | Section 10.2-10.5 |
| 7. | Park is out of bounds to the residents and public for many months | 10.6 |
| 8. | Excessive use of non-renewable energy and use of carbon-based generators is bad for the environment | Section 10.8 & 10.9 |
| 9. | Noise is unpleasant in quiet area next to the river and historic park. | 10.4 |
| 10 | Gardens should be used as public attraction and not be used for short term financial gain | Section 10.6 |
| 11 | No consideration given to the impact on climate change through carbon emissions from operating an ice rink – a lot of water and energy is consumed to keep the ice frozen. | Section 10.8 & 10.9 |
| 12 | The proposed ice rink will cover an area of 468sq.m and emissions will be expected to be 13 tonnes per month which RBWM can ill afford to bear. | Section 10.8 & 10.9 |
| 13 | An analysis of proposed water and energy consumption should be provided as part of the application. | Section 10.8 & 10.9 |
| 14 | The sustainability information provided is insufficient – data is required on the amount of energy and carbon spent in the rink's construction, operation and removal. Quantitative measures to forecast water and energy consumption and carbon dioxide emissions need to be supplied. | Section 10.8 & 10.9 |
| 15 | The latest proposals show an increase in the number of fun fair facilities | Section 5.3 |

Consultees

| Consultee | Comment | Where in the report this is considered |
|--------------------|--------------|--|
| Environment Agency | No objection | Section 10.13 & 10.14 |
| | No objection | |

| | | |
|--------------------------|----------------------|-----------------------|
| Conservation Officer | | Section 10.2-10.5 |
| Environmental Protection | No objection | Section 10.10-10.12 |
| Highways | No highway concerns. | Section 10.5 & 10.16 |
| Tree Officer | No objection. | Section 10.17 & 10.18 |

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Impact on the Heritage Assets and character and appearance of area.
- ii Impact on Open Space and River Thames Corridor
- iii Climate Change and Sustainability
- iii Impact on the living conditions of nearby properties
- iv Flood Risk
- v Highway safety and parking.
- vi Impact on trees

The impact on the Heritage Assets and character and appearance of the area.

10.2 Alexandra Gardens falls outside the Windsor Town Centre Conservation Area and lies to the northwest of the rear of the grade II listed Windsor Royal Station complex. There are views available from the park towards Windsor Castle. Adopted policy HE1 states that the historic environment should be conserved and enhanced in a manner appropriate to its significance and development proposals are required to demonstrate how they preserve or enhance the character, appearance and function of heritage assets. Policy QP3 sets out several design criteria including the retention of important local views of historic buildings including key landmarks such as Windsor Castle.

10.3 Retaining the view towards the Castle has been an important consideration in the past and a condition limiting the height of the rides/attractions to not exceed 6.25m has previously been imposed. This current proposal includes 3 rides which would exceed this height limit. The Bungee trampolines (6.7m), Trooper (13.22m) and Avengers (8m). These are maximum operating heights and are not constant heights. The layout of the rides/attractions has been altered in this current proposal to provide a main pathway through the site which would help improve the views available towards Windsor Castle.

10.4 It is acknowledged that the rides and associated noise would have a negative impact on the setting and significance of the adjacent Conservation Area and nearby listed structures. However, the impact on the setting of these heritage assets would be temporary in nature and therefore low to moderate. The level of harm caused would

be less than substantial and where proposals would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal (paragraph 202 of the NPPF). In this case given the heritage impacts are minor and there would be a positive benefit to the economy of the town centre and the beneficial increase in the visitor numbers to the area, it is considered that the limited harm to heritage would be outweighed.

- 10.5 Overall it is considered that the proposal is acceptable in terms of adopted policies HE1 and QP3.

Impact on Open Space and River Thames Corridor

- 10.6 Adopted policy IF4 seeks to protect, maintain and where possible enhance existing open space in the Borough. Only part of the gardens would be used for a limited period during the winter months, when public use is more limited. The rest of the gardens remains unaffected. The land would be reinstated to its original condition when the structures are removed. Given the temporary nature of the proposal it is considered that the proposal is acceptable in terms of adopted policy IF4.
- 10.7 The site lies within the River Thames Corridor. Adopted policy QP4 seeks to conserve and enhance the special character and setting of the River Thames. The gardens are reasonably well screened by trees and hedges and given the temporary nature of the use would not give rise to an unacceptable impact on the character and setting of the River Thames.

Climate Change and Sustainability

- 10.8 Adopted policy SP2 requires all developments to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change and the Interim Sustainability Position Statement sets out various measures which need to be achieved. In this case the proposal does not involve any permanent new buildings. It is however still important that the proposal is as sustainable as it can be to help reduce carbon emissions. In this regard it has been confirmed by the applicant that their sustainability has been improving every year over the past three years. All lights used on site and the attractions are now low energy LEDs. Products are being re-used and recycled several times over each year. The ice rink has increased its insulation depth from 10mm to 50mm which in turn provides a stronger barrier for keeping ice frozen, so less energy is required to maintain the ice. All waste is recycled. The refrigeration chillers are at the highest level of efficiency for equipment on the market for 2022/23 and if more efficient chillers become available on the market in 2024 these will be used. The generators used are the highest in their class for efficiency and lowest in terms of emissions currently on the market for 2022 and if more efficient generators become available for 2023-24 then these too will be used. The event will be running on bio diesel for the 2022-24 seasons. Details of the Biofuel GreenD+ have been supplied. It is a fossil-free, paraffinic fuel made from 100% renewable raw materials and is suitable for all diesel-powered generators. It was used to power generators for the Winter Wonderland in Hyde Park in 2019.
- 10.9 It is noted that concerns have been raised about the carbon emissions resulting from the ice rink and data to quantify the amount of energy and carbon spent in the rink's construction, operation and removal as well as forecasts for water and energy consumption and carbon dioxide emissions have been suggested. The applicant has confirmed that this will be the first year they will be operating biodiesel and therefore it is difficult to quantify. The amount of water used in the ice rink has never been measured, although it can be measured once the setup is in operation. Given the

temporary nature of the use it is considered that the measures being proposed are sufficient to help adapt to and mitigate climate change and the sustainability measures set out above can be secured by condition.

The impact on the living conditions of nearby properties

- 10.10 The closest residential properties are located to the southeast of the site in Castleview House, Bridgewater Terrace. Adopted policies QP3, EP1, EP3 and EP4 seek to protect residential amenity from noise, smell and light pollution amongst other things.
- 10.11 As before a condition can be imposed to restrict the hours of operation to between 10am and 9pm to protect the amenities of the nearby occupiers. The Environmental Protection team has raised no objection to the proposal but wish to point out that the granting of permission does not preclude Environmental Protection from taking formal action under the Environmental Protection Act 1990 if substantive complaints are subsequently received.
- 10.12 It is considered that the proposal is sufficiently distant from neighbouring residential properties and would not result in an unacceptable impact on their living conditions in terms of noise, smell and light pollution and as such would accord with adopted policy QP3, EP1, EP3 and EP4.

Flood Risk

- 10.13 The site lies within Flood Zone 3a (high probability of flooding). The Environment Agency has confirmed that the small encroachment in the flood plain is unlikely to be significant or even measurable given the temporary nature of the development. It is not considered that anything further needs to be done in terms of taking a sequential approach to the placement of temporary work elements and the EA has raised no objection to the proposal.
- 10.14 The Event Plan & Risk Assessment accompanying the application has been updated to include appropriate mitigation measures in the event of a flood event (section 6). The proposal is acceptable in terms of flood risk and accords with adopted policy NR1.

Highway safety and parking

- 10.15 The site is located close to Windsor town centre, in an area of good accessibility, close to the railway stations and public transport. Visitors would also have the use of existing on-street parking in Barry Avenue and several nearby public car parks. There has been no reported highway or car parking issues in previous years.
- 10.16 The proposal raises no highway or parking concerns and accords with adopted policy IF2.

Impact on trees

- 10.17 There are many important trees within the park, mainly confined to the boundaries. Adopted policy NR3 requires development proposals to carefully consider the impact of the proposed development on existing trees.
- 10.18 The layout plan has been revised to ensure that none of the trees are affected. To protect the trees, all vehicles associated with the installation, operation and dismantling of the rides should not cross soft ground unless otherwise on the temporary roadway

formed by the Euromat, as shown on the layout plan. A pedestrian trackway is required to be installed around all the rides and this shall remain in place during the operation of the rides. Subject to securing a suitable condition the proposal is acceptable in terms of its impact on trees and accords with adopted policy NR3.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

11.1 The proposal is not CIL liable.

12. CONCLUSION

12.1 As before, notwithstanding that the proposal is in a sensitive location, the proposal is for a temporary period over the Christmas period for the next 3 years and considering the associated spin-off benefits to the local economy and town centre, the scheme is acceptable. The application complies with the relevant policies set out in the adopted Borough Local Plan.

13. APPENDICES TO THIS REPORT

Appendix A - Site location plan and layout plans
Appendix B - Details of marquees and rides/attractions

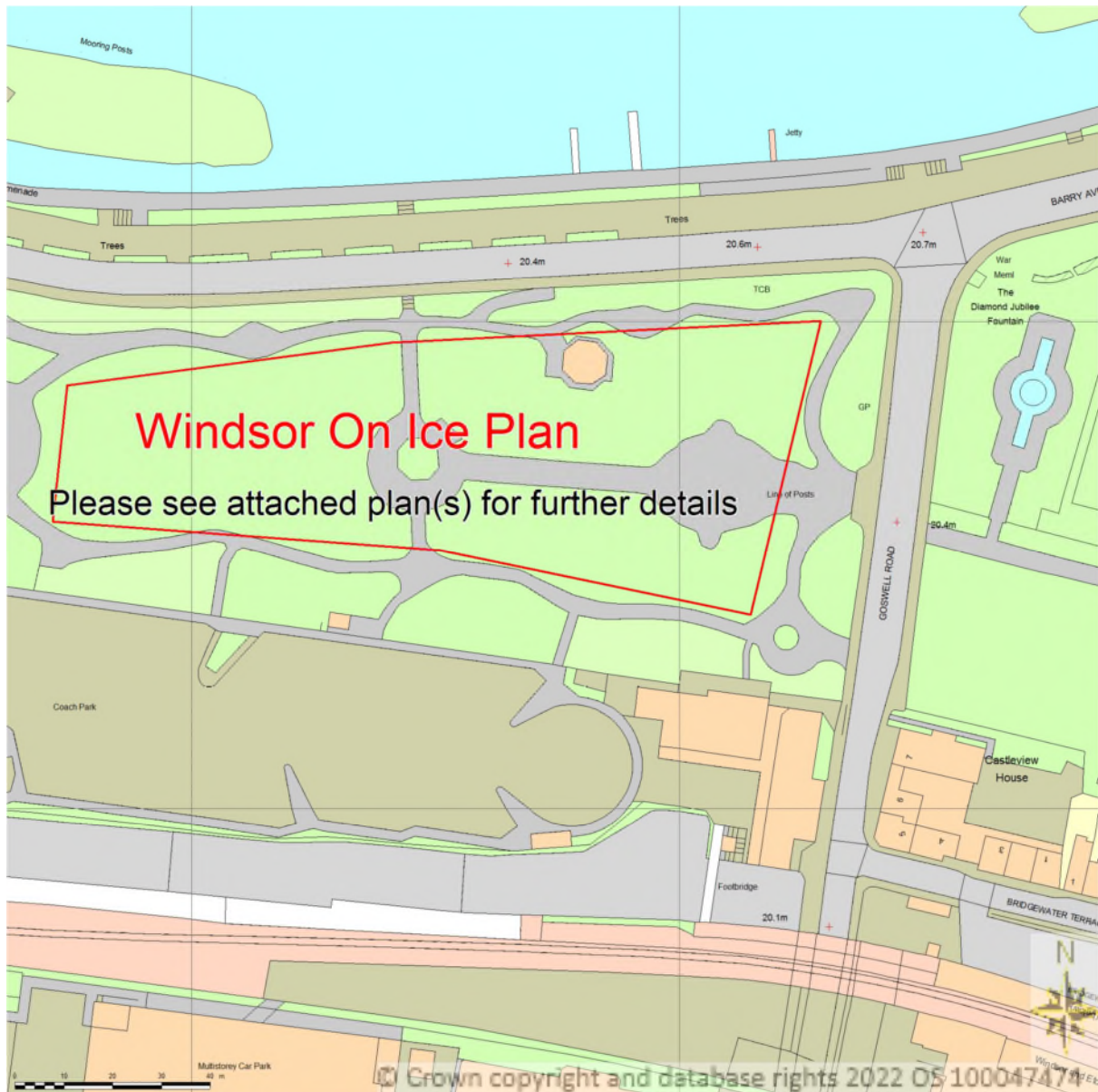
14. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

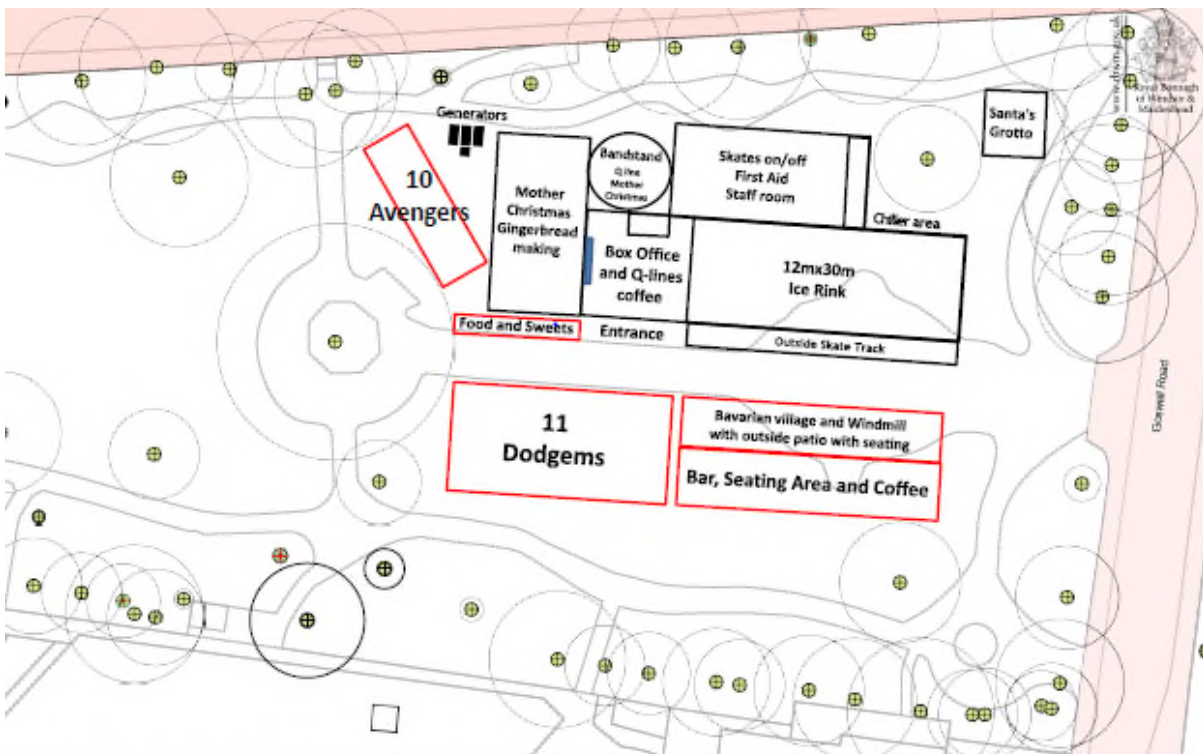
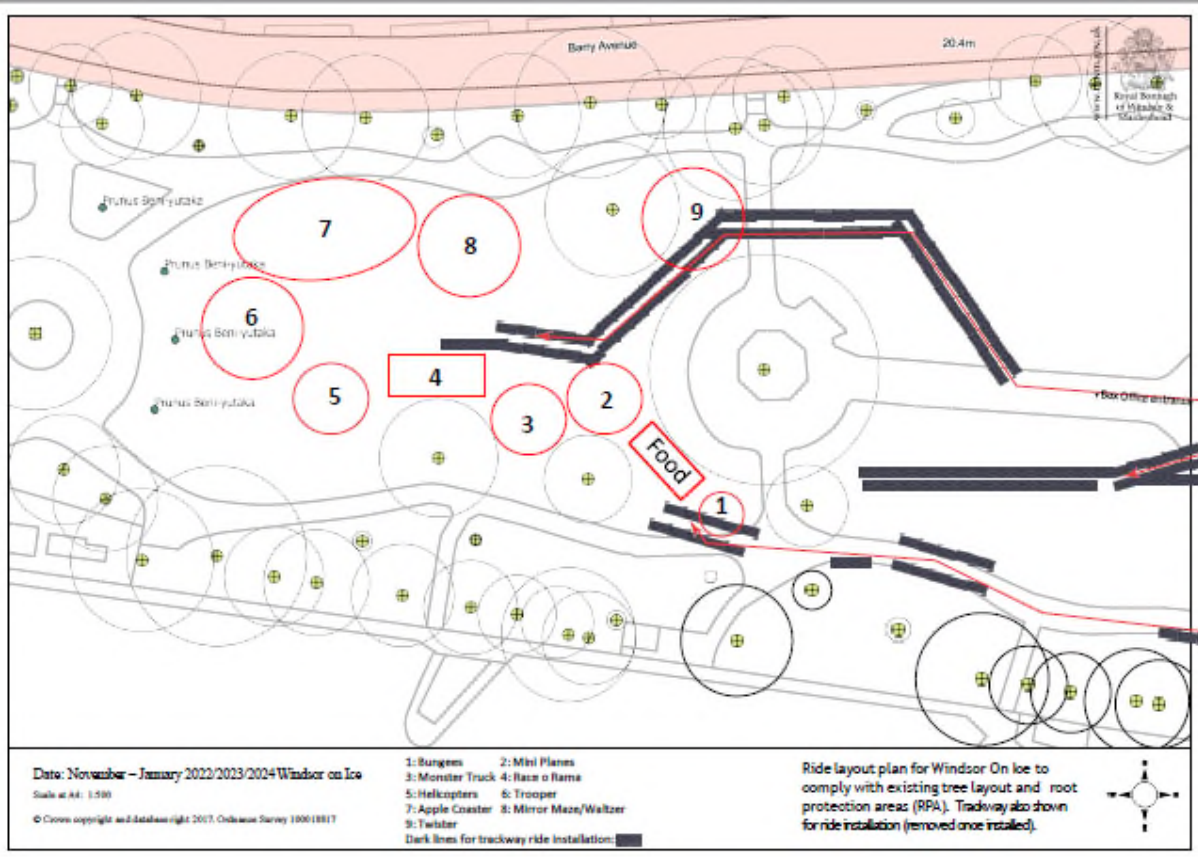
- 1 The development shall operate as follows:
Year 1 - Not commence until 24th October 2022 and shall be open to the public between 13th November 2022 and 8th January 2023. The structures and equipment shall be removed from the site by 22nd January 2023 and the land reinstated/restored to its former condition by the end of February 2023.
Year 2 - Not commence until 24th October 2023 and shall be open to the public between 17th November 2023 and 7th January 2024. The structures and equipment shall be removed from the site by 22nd January 2024 and the land reinstated/restored to its former condition by the end of February 2024.
Year 3 - Not commence until 24th October 2024 and shall be open to the public between 16th November 2024 and 5th January 2025. The structures and equipment shall be removed from the site by 22nd January 2025 and the land reinstated/restored to its former condition by the end of February 2025.
Reason: The proposal does not constitute a form of development that the Local Planning Authority would normally permit. However, in view of the particular circumstances of this application temporary planning permission is granted. Relevant saved policies - Local Plan QP3, HE1 and IF4.
- 2 This temporary use of the land hereby permitted shall only operate between the hours of 10:00 hours and 21:00 hours.
Reason: To protect the amenities of nearby residents. Relevant policies - QP3 and EP4.
- 3 During the installation and removal of the rides/attractions vehicles shall be kept on the hard surfaced paths and the areas of ground protection shown as trackways on the RPA and rides plan received on the 1st April 2022. A pedestrian trackway is also required to be installed around all the rides and shall remain in place for the duration of the use.
Reason: To protect the trees which contribute to the visual amenities of the site and surrounding area. Relevant Policy - Local Plan NR3.
- 4 The development shall operate in accordance with the flooding information set out in section 6 of the 'Event Plan and Risk Assessment' document received on the 10th March 2022.

- Reason: To ensure appropriate flood mitigation. Relevant Policy - Local Plan NR1.
- 5 The development shall be carried out in accordance with the sustainability measures set out in Planning Statement received on the 10th March 2022.
- Reason: To ensure appropriate sustainability measures. Relevant Policy - Local Plan SP2.
- 6 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
- Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

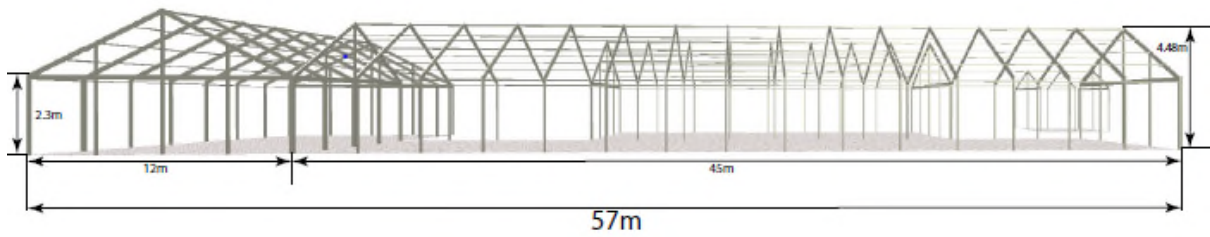
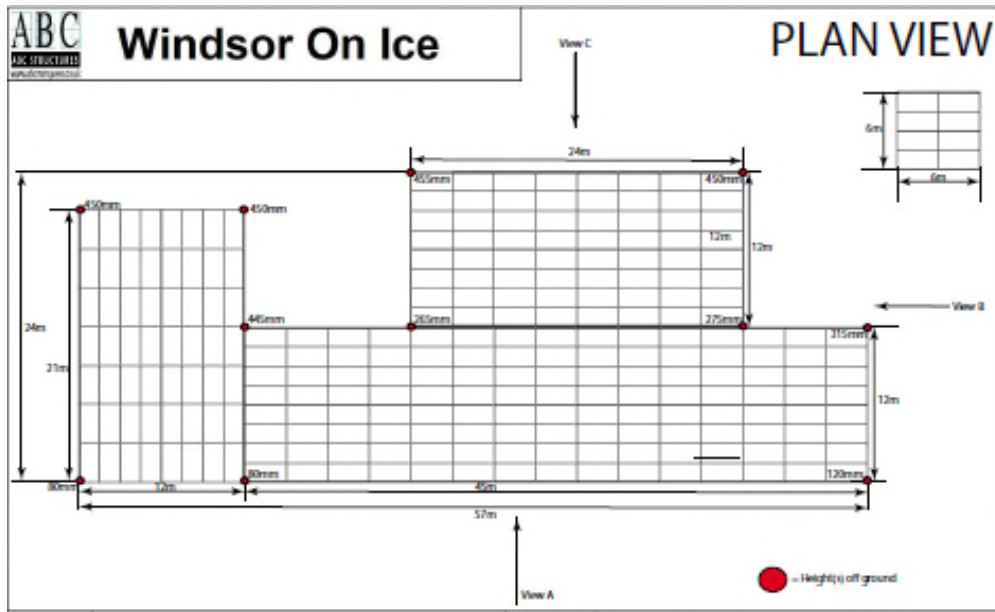
Application number 21/02291/FULL – Alexandra Gardens, Barry Avenue, Windsor

Appendix A – site location plan and layout plans

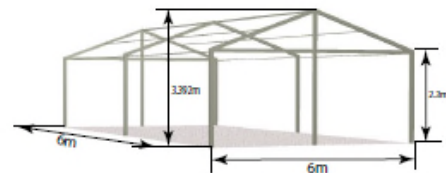
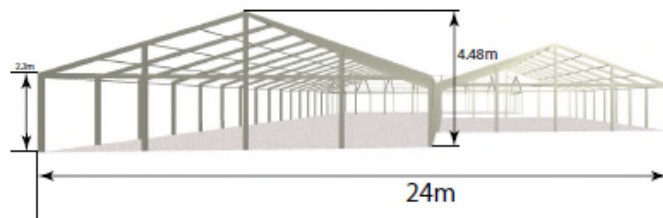




APPENDIX B – DETAILS OF MARQUEES



VIEW B



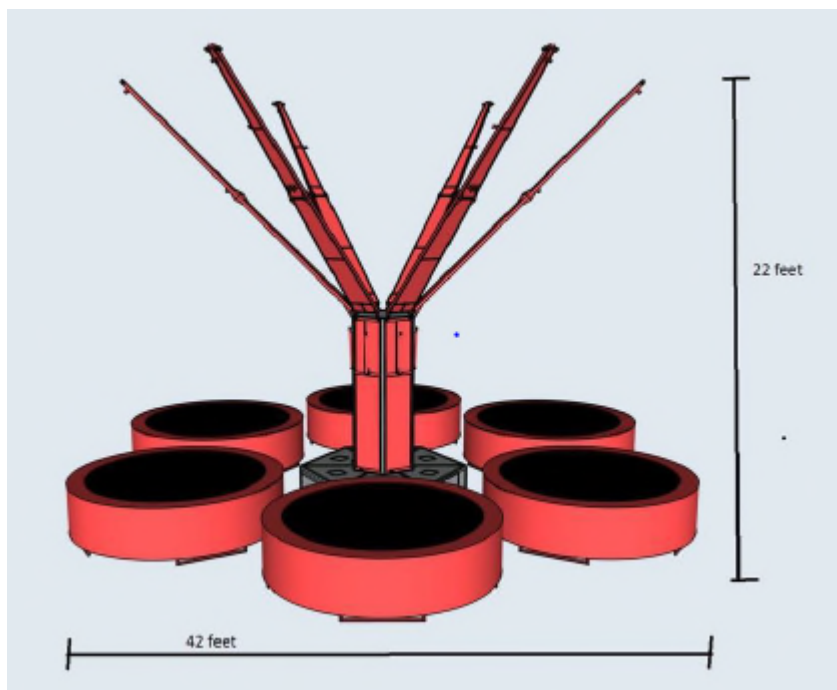
DETAILS & EXAMPLE OF RIDES/ATTRACTIONS

Attraction ride heights

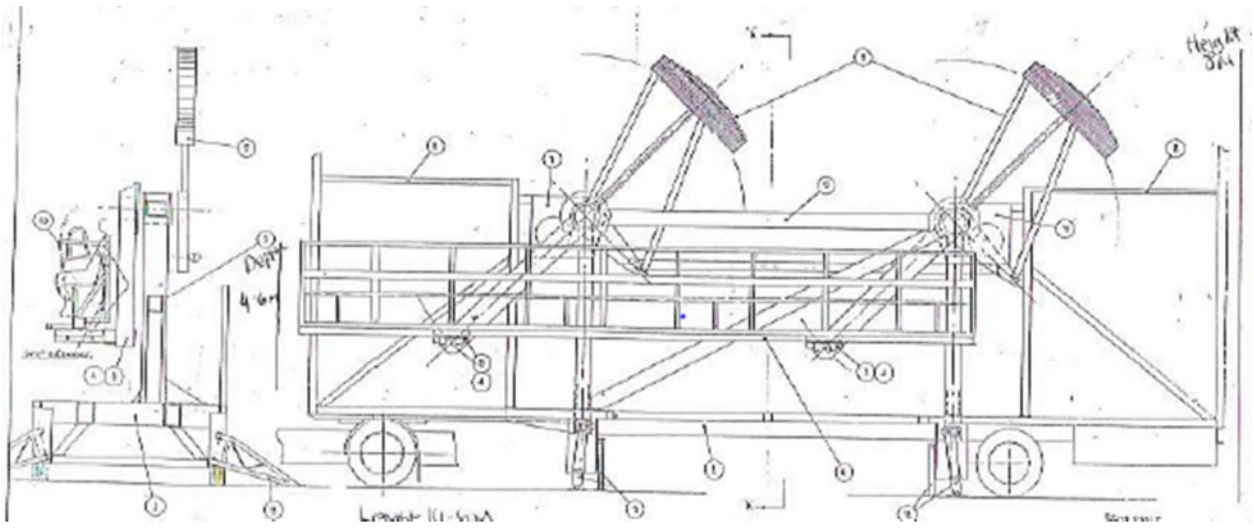
| <u>Attraction:</u> | <u>Attraction name:</u> | <u>Attraction height in meters:</u> |
|--------------------|-------------------------|-------------------------------------|
| 1 | Bungees * | 6.7m |
| 2 | Mini Planes * | 3.04m |
| 3 | Monster Trucks | 4m |
| 4 | Race-O-Rama | 5.08m |
| 5 | Helicopters * | 6m |
| 6 | Trooper * | 13.22m |
| 7 | Apple Coaster * | 6m |
| 8 | Waltzer | 6m |
| 9 | Twister * | 4.11m |
| 10 | Avengers * | 8m |
| 11 | Dodgems | 5.5m |

Please note attraction names marked with a * are maximum operating heights and are not constantly at that height.

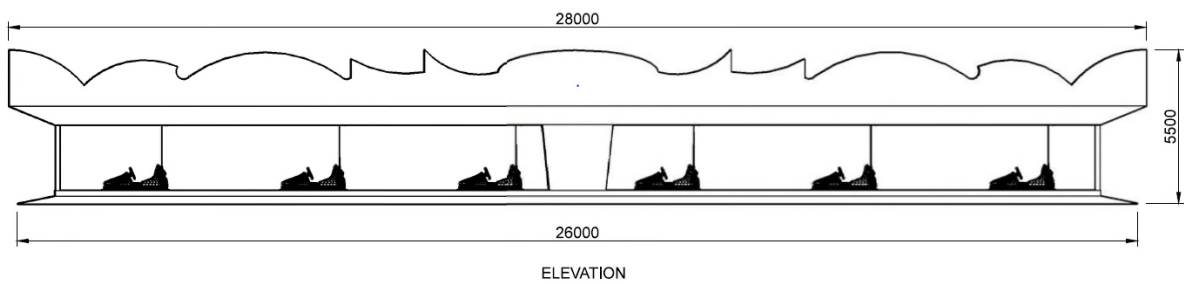
BUNGEEES



AVENGERS



DODGEMS



MINI PLANES

