

DEVELOPMENT CONTROL PANEL

7 September 2022

Item: 3

Application No.:	22/00897/OUT
Location:	Land Fronting North Bank of Thames And Accessed Between 66 And 68 Wraysbury Road Staines
Proposal:	Outline application for a river boat slipway and drydock, (including small workshop / store, office and staff welfare facility, all raised 1500mm above the ground level) with all matters reserved.
Applicant:	Mr French
Agent:	Mr Ian Benbow
Parish/Ward:	Wraysbury Parish/Datchet Horton And Wraysbury

If you have a question about this report, please contact: Briony Franklin on 01628 796007 or at briony.franklin@rbwm.gov.uk

1. SUMMARY

- a. 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.
- b. The application follows refusal of outline consent under application number 21/02302/OUT on matters of green belt, flooding, ecology, trees, and potential noise grounds. The current proposal seeks to address the previous reasons for refusal.
- c. As before, 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. The dock manager's first floor apartment has now been deleted from the proposal. The site lies on the northern banks of the River Thames on the eastern fringes of Wraysbury. Vehicular access is gained from Wraysbury Road.
- d. 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.
- e. The site lies within Flood Zone 3b (functional flood plain). The boatyard would be a water compatible use and the Sequential Test is passed. At the time of writing, comments from the EA are awaited with regards to the acceptability of the submitted Flood Risk Assessment.
- f. The application has been accompanied by a preliminary ecological impact assessment (Desktop study). The information supplied is inadequate to demonstrate that the proposal would not have an adverse impact on ecology. The tree information supplied is also insufficient to assess the impact of the proposal on trees. There is concern that the proposal would have a detrimental impact on the riparian setting of the River Thames and the sylvan character and appearance of the site. The application has been accompanied by a Noise Assessment and subject to appropriate conditions being secured, the proposal would have no adverse impact on the living conditions of neighbouring properties. Concerns remain about the suitability of the access.
- g. 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.

Subject to the views of Environment Agency it is recommended that the Committee refuses planning permission for the following summarised reason (the full reason is identified in Section 14 of this report):

- ii. The application site lies within the designated Green Belt. The proposal represents inappropriate development in the Green Belt, which is 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), and policy QP5 of the Borough Local Plan (adopted February 2022).
- iii. 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 adopted policies QP4 and NR2.
- iv. 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 policies QP3 and NR2 of the Borough Local Plan (adopted February 2022).

2. REASON FOR PANEL DETERMINATION

- d) 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 as the application is for major development.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The site lies on the northern banks 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 long, narrow driveway. The site comprises deciduous woodland with a grass clearing. Trees run along the riverbank. The site is sylvan in character and appearance. Views of the site are available from the Thames Path on the opposite side of the riverbank.
- 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. A water utility company and residential properties lie to the south of the river. 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. The site lies within the Health & Safety Executive Consultation Distance of Major Hazard Sites/pipelines.
- 4.2 The site lies within the setting of the River Thames. Protected Species have been identified in the area. The trees are designated as Ancient Woodland and covered by an Area Tree Preservation Order.

5. THE PROPOSAL

- 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 riverbank. All matters are reserved for subsequent approval including access, layout, scale, appearance, and landscaping. The application has been accompanied by a location plan, block plan and indicative drawings which detail scale, layout, and appearance of the development.

5.2 The development would comprise a large steel structure which would cover and partly enclose the slipway and dry dock. The slipway and dry dock would have a depth of 3.5m. It would be constructed using 27 piles put into the ground. The covered steel frame is designed with open sides and a green, living wall installed 1.5m above ground level. The building would incorporate a workshop/store with a finished floor level of 1.5m above ground level and voids beneath. The one bed, first floor manager's flat has now been deleted and replaced with a manager's office and staff room. Elevated walkways and stairways are proposed together with a ramp. The parking area at the front of the building would be constructed using grasscrete, a porous self-draining hard standing. A boat lifting gantry is proposed. Other features include:

- Riverbank and mooring bay bank protection using stone filled gabions and coir rolls.
- The re-wilding of the remainder of the site.
- Solar panels on the roof.
- River turbine electrical generator.

As well as having direct access from the river, the site would be served by an existing long, 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. In addition, it is proposed that the facility will have the provision for lifting smaller vessels plying as skippered and self-drive boats out of the water. The machinery required includes a pumping system for the dry dock and a winching system for the trolleys on the slipway.

6. RELEVANT PLANNING HISTORY

Reference	Description	Decision
19/00334/FULL	Construction of x1 dwelling	Withdrawn 16.06.19
21/02302/OUT	Outline application for a river boat slipway and dry dock including a dock manager's first floor apartment for security, with all matters reserved.	Refused 6.12.21

Application number 21/02302/OUT was refused for the following reasons:

1. The application site lies within the designated Green Belt. The proposal represents inappropriate development in the Green Belt, which is 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 Wraysbury 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).

7 DEVELOPMENT PLAN

7.1 The main relevant policies are:

Adopted Borough Local Plan

Issue	Policy
Climate Change	SP2
Character and Design of New Development	QP3
River Thames Corridor	QP4
Development in Rural Areas and Green Belt	QP5
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Environmental Protection	EP1
Air Pollution	EP2
Artificial Light Pollution	EP3
Noise	EP4
Sustainable Transport	IF2

Adopted Horton & Wraysbury Neighbourhood Plan (2018-2033)

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

8. MATERIAL PLANNING CONSIDERATIONS

8.1 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

Supplementary Planning Documents

- Borough Wide Design Guide

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

Interim Sustainability Position Statement

Corporate Strategy

Environment and Climate Strategy

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 9.1 11 occupiers were notified directly of the application.
- 9.2 The planning officer posted a notice advertising the application at the site on the 28th May 2022 and the application was advertised in the Local Press on the 2nd June 2022.
- 9.3 9 letters were received supporting the application, including letters from the Barge Association, Thames Rivercruise, the managing director of Hobbs of Henley Ltd, Woottens Boatyard, the inland Waterways Association Vice President and the owner of the Magna Carta hotel barge, summarised as:

Comment	Where in the report this is considered
1. Increasingly difficult to find suitable opportunities to slip or dock boats on the Thames as many yards, slips and docks have closed and/or been redeveloped in recent years.	See section 10x
2. The nearest facility on the Thames capable of slipping or docking a boat weighing 70 tons is Eel Pie Island, Twickenham, MSO Marine at Brentford or Woods at Isleworth.	See section 10x
3. Site is close to M25 and would not result in noise nuisance.	See section 10vi
4. Proposal makes use of an otherwise derelict site.	See section 10v
5. More shipyard facilities are required to ensure boats are well maintained and safe for occupation.	See section 10x
6. The facility is desperately needed by the commercial boating business up and down the non-tidal river.	See section 10x
7. Reduction in the number of yards that can cope with bigger boats and demand for safety inspections has increased substantially.	See section 10x
8. Very high demand for use of the drydock in Reading	See section 10x
9. Leisure, tourism, and transport services on the Thames must have the necessary facilities to provide services safely and professionally.	See section 10x
10. With recent closure of the Environment Agency Dry Dock and Boat Lift at Thames and Kennett there is nowhere to slip larger vessels on the	See section 10x

	non-tidal Thames.	
11	Will bring employment to the area and safeguard the skill base.	See section 10x
12	There are now only two dry docks and slipways on the non-tidal Thames – one has been out of service for most of the time since 2019 and the other is inaccessible to very large boats.	See section 10x
13	Passenger boat operations play a vital role in the local economy – no suitable large boat maintenance facilities mean no passenger boats.	See section 10x
14	A facility in this area would be a massive advantage to leisure boaters and commercial companies.	See section 10x
15	New facility is desperately needed.	See section 10x

9.4 3 neighbouring occupiers have raised objection to the application, summarised as follows:

Comment		Where in the report this is considered
1.	Land ownership is queried, and copies of title register, agreement and conveyance provided by occupier of Holm Island.	This is a legal/civil matter
2.	The Holm and 68 Wraysbury Road use the narrow private road	See Section 10vii
3.	Residential properties and transport business lie close to exit from private road.	See section 10vii
4.	Houses lie to south of this narrow stretch of river and boat moorings are close to the site.	See section vi
5.	Affinity Water treatment plant and Thames path lie on south bank.	See section 3.2
6.	Interest of users of nearby footpaths, anglers and residents should not be overlooked.	See section 10v
7.	A comprehensive noise modelling is essential before the application can be considered.	See section 10 vi
8.	The site had no permission for gravel extraction and remained a wooded area without any residential or commercial activity	See section 10iv
9.	Little or no evidence of fly tipping and that site is derelict. Debris left by flood water.	See section 10v
10	Woodland cannot be classed as derelict. Land is an environmental asset and a haven for wildlife.	See section 10iii
11	Site for boatyard has been cleared of trees – evidence of felling, bonfires etc	See section iv
12	The development site and Holm Island are often flooded in winter	See section 10ii
13	Limited width of driveway would not support commercial activity.	See section 10vii
14	No scope for widening the access road without damaging the trees.	See section 10iv
15	Wraysbury Road is a busy road with cars parked on both sides – negotiating the entrance and exit can be hazardous.	See section 10vii
16	The FRA is deficient and data inadequate	See section 10ii
17	There has been an increase in frequency, intensity, and duration of flooding over recent years	See section 10ii
18	Cars parked on busy Wraysbury Road restrict visibility from exit/entrance to the site.	See section 10vii
19	Use of Grass Crete would prevent water draining naturally and increase flood risk	See section 10ii
20	Study Area leaves out two major marinas, Hambledon (just upstream of Marlow) and Shepperton (just downstream of Chertsey)	See section 10ii and x
21	Is the loss of boat yards too many? The lack of facilities to lift vessels above 60 tons could be due to lack of demand. More meaningful statistics need to be supplied	See section 10x
22	Site has been marketed since 2014	noted

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	Comments awaited	See section 10ii
The Health & Safety Executive	No objection	Noted

Consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	No objection subject to condition.	See section 10ii
Highways	No objection subject to condition.	See section 10vii
Environmental Protection	No objection subject conditions	See section 10vi
Ecology Officer	Object - insufficient information provided	See section 10iii
National Highways	Recommend Construction Environmental Management Plan (CEMP) condition.	See section 10vii
Spelthorne Borough Council	No objections	noted
Runnymede Borough Council	No objection – site could be within the zone of consultation for a Hazardous Substances consent at the waterworks across the River Thames and the Health and Safety Executive may need to be consulted.	See HSE comments above
Berkshire Archaeology	No objection with recommended condition	See section 10viii

Others (e.g. Parish and Amenity Groups)

Group	Comment	Where in the report this is considered
Wraysbury Parish Council	No objection subject to compliance with local policies	See section 10

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i. Green Belt
- ii. Flooding
- iii. Ecology
- iv. Trees
- v. Impact on character and appearance

- vi Residential Amenity
- vii. Highway Safety and Parking
- viii. Archaeology
- ix. Climate Change and Sustainability
- x. Very Special Circumstances

i Green Belt

- 10.2 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.
- 10.3 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.'*
- 10.4 Adopted policy QP5 is consistent with the NPPF and seeks to protect the Green Belt against inappropriate development unless very special circumstances can be demonstrated.
- 10.5 The proposal seeks outline consent to construct a river boat slipway and dry dock with associated steel structure/building. 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

- 10.6 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.
- 10.7 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 adopted policy QP5 and the guidance set out in section 13 of the NPPF.
- 10.8 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

- 10.9 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 current application has been accompanied by an updated Flood Risk Assessment.
- 10.10 Adopted policy NR1 sets out the criteria for managing flood risk and waterways. In flood Zones 2 and 3 development proposals will only be supported where an appropriate flood risk assessment has been carried out and it has been demonstrated that development is located and designed to ensure that flood risk from all sources of flooding is acceptable. A sequential test is required to ensure that all development is in the lowest flood risk areas and only water compatible uses and essential infrastructure development will be supported within the area defined as functional floodplain. Development proposals need to 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. Development proposals near rivers should retain or provide an undeveloped 8 metre buffer zone. The proposal also needs to accord with the guidance set out in paragraphs 167-169 of the NPPF. 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.
- 10.11 The proposed boatyard would be classed as water-compatible development as set out in table 2: Flood risk vulnerability classification in the 'Flood Risk and coastal change' guidance. The water compatible development would be appropriate in Flood Zone 3b. A Sequential Test is still required to be carried out to ensure that any new development is steered to areas with the lowest risk of flooding. If it is not possible for the development to be in areas with a lower risk of flooding, the exception test may have to be applied. The need for the exception test depends on the potential vulnerability of the site. The residential element has now been deleted from the proposal which addresses the previous objection relating to the introduction of a 'more vulnerable' development in Flood Zone 3b and no exception test is now required.

Sequential Test

- 10.12 The application has been accompanied by a Sequential Test (dated 31.3.22) prepared by the applicant and a Land Study dated 29th March carried out by Warren Property Matters. The land study focuses on the land adjoining the River Thames from Temple (upstream of Marlow) to Chertsey. The study area falls within RBWM, Buckinghamshire Council and Spelthorne and Runnymede Borough Councils.
- 10.13 The Study findings are summarised as follows:
- Land Availability*
- 10.14 Research amongst all the estate agents in the area concludes that there are no other available sites that could be developed for boatyard purposes. All potential urban sites have been developed for residential use. Land values are high and redevelopment sites have all been earmarked for residential or mixed use i.e. office and housing. Furthermore, the study area reveals a unique pattern in land ownership. A Study of the Land Registry reveals that almost all the open riverside land is owned by three large landowners including Crown Estates, Eton College, and the National Trust. Any other smaller parcels of land in private or public ownership are designated Green Belt and form part of the flood plain.
- 10.15 Studies of the SLAAs (Strategic Land Availability Assessments) for the four local authorities whose administrations cover the survey area have been carried out. The SLAAs do not identify any available riverside sites with commercial development possibility. The desktop study was carried out using OS maps and Google Earth satellite information and no available sites were

identified. The large areas of undeveloped riverside land owned by the National Trust, the Crown Estate and Eton College are all protected and are not available for purchase for commercial development. The development proposal needs to be situated on the river and most of the land included in the study lies within Flood Zone 3. The Sequential Test concludes that there are no other suitable sites in the area that are available for the proposed facility. The LPA considers that in this case, given the nature of the development proposed, that the sequential test is passed.

Flood Risk Assessment

- 10.16 An updated Flood Risk Assessment has been submitted (Version 3.00) dated 31st March 2021. Since the last application was considered, it is understood that further survey work of ground levels has been carried out resulting in revised calculations and improved on-site water storage benefits. Based on the information supplied by the applicant, the current site level is understood to be 15m above sea level and has a higher ground level than the surrounding area. Although the EA flood maps indicate the site is in Flood Zone 3b the applicant is querying the accuracy of the EA mapping. Based on the site survey, mapping, and the EA's own river level data the applicant believes the site to be much less vulnerable to flooding than has been suggested.
- 10.17 The finished floor levels for the workshop/store is shown to be set 1500mm above ground level. A void is proposed beneath the workshop/stores. The calculations provided in the FRA show a substantial increase in flood plain storage. The total projected additional on-site compensatory storage capacity at times of high water provided by the slipway, drydock and inlet are calculated to be 13,036 cubic metres which is substantially greater than the loss of water storage capacity resulting from the 27 piles. No spoil relating to the excavation of the proposed facility would remain on site.
- 10.18 The views of the EA are required to verify whether the information supplied in the updated FRA is sufficient to assess flood risk and to confirm whether it has been sufficiently demonstrated that the proposal is acceptable in terms of impact on flood plain storage to ensure that flood risk is not increased elsewhere in accordance with adopted policy NR1 and the NPPF.

Surface Water Flooding and Drainage (LLFA)

- 10.19 Adopted policy NR1 requires development proposals to incorporate Sustainable Drainage Systems to restrict or reduce surface water runoff. Adopted 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. Development proposals will be supported where it can be demonstrated that adequate and effective remedial measures to remove the potential harm to the environment are successfully mitigate.
- 10.20 The proposal is potentially a contaminating use and is proposed within Source Protection Zone 3 and over a secondary aquifer. It must be demonstrated that the proposal will not pose a risk to groundwater quality. The LLFA has raised no objection to the application subject to securing an appropriate condition for a surface water drainage scheme. Details will need to include calculations of runoff rates, volumes and topographic details and appropriate consent from Thames Water; full details of all components of the proposed surface water drainage system; evidence that discharge from the site would be sufficient water quality that it would not result in detriment to any receiving water course and details of the proposed maintenance arrangements relating to the surface water drainage system.
- 10.21 In the event of planning permission being granted, the matter of surface water drainage could be dealt with by way of an appropriately worded condition.

iii Ecology

- 10.22 Adopted 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 British Standard 42020 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. Neighbourhood Plan policy NP/OE2 states that development proposals that conserve and enhance biodiversity will be supported and proposals should give 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.
- 10.23 Adopted 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 riverbank 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.
- 10.24 The application has been accompanied by the same Preliminary Ecological Impact Assessment as previously submitted under 21/02302/OUT. The applicant has also confirmed his intention to enter a contractual arrangement with an ecologist to develop a long-term plan to protect and enhance the ecological aspects of the remainder of the site. It is understood that an ongoing report spread over winter and summer seasons will be undertaken and recommendations as to how to improve the ecology of the remainder of the site after development has taken place are to be made. The applicant has confirmed his intention to undertake all the necessary surveys at the reserved matters stage.
- 10.25 The Council's ecology officer has once again stated that it is not sufficient to only provide a desk-based assessment as part of the application as it cannot be established what habitats are on site currently, what plant species are within the site (some may be protected or invasive) or whether the site has the potential to support protected or priority species. Without knowing what is on site, and the site's ecological potential, it cannot be certain that any ecological impacts could be appropriately mitigated or compensated for.
- 10.26 The woodland on the site is designated as an ancient woodland and is likely to be classified as a priority habitat, together with the River Thames. The grassland could also be a priority habitat, although the status of the habitats currently on site has not been established. 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 and an ecological appraisal (comprising an extended Phase 1 Habitat and Species Scoping Survey (or equivalent), preliminary bat roost assessments of any trees to be affected and any phase 2 surveys) would need to be submitted prior to determination of the application.

10.27 The submitted ecology report does not fulfil the key objectives of the CIEEM 'guidelines for Preliminary Ecological Appraisal'. Paragraph 99 of the government Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System states that:

'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.'

10.28 Since the extent to which protected species could be affected by the proposal has not been established, and there are no 'exceptional circumstances' in this case, the application would not be in accordance with this guidance.

10.29 The ecology report and design and access statement provide some recommendations of biodiversity enhancements which could be incorporate into the development. However, a Biodiversity Net Gain document, using the DEFRA 3.1 metric needs to be provided prior to determination of the application to show the net loss and gains at the site. If the development cannot provide a net gain in biodiversity at the site (preferably at least 10%) consideration should be given to offsite compensation.

10.30 The proposal would require a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016 and as part of this the EA would 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 would be required 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. The proposal includes bank protection work in the form of gabions and coir rolls to address riverbank erosion. The EA has previously 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.

10.31 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. In the absence of the required surveys and any mitigation plan including a biodiversity net gain document, the application should be refused on the grounds that insufficient information has been provided for the Council to determine the likely impact of the proposals upon protected species and the impact on biodiversity in accordance with Local Plan policies NR2 and QP4 and NP/OE2. Other issues such as artificial light pollution would need to be considered at the reserved matters to ensure compliance with adopted policy EP3.

iv Trees

10.32 Adopted policy NR3 requires development proposals to ensure Ancient Woodland will be maintained, protected and where suitable enhanced and Ancient trees are to be safeguarded from harm or loss. Proposals should 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.

- 10.33 The site comprises deciduous woodland and is designated an Ancient Woodland. The trees are covered by an Area Order. A grass clearing lies in the middle of the site and it is unclear when this clearance work was carried out. The site is sylvan in character and appearance. There is a line of mature trees which run along the riverbank and the narrow driveway is heavily treed on either side. The dry dock and slipway facility is proposed to be constructed largely within the grass clearing on the site. The riverbank is understood to be eroded, and the applicant argues that if nothing is done to protect the riverbank then most of the trees along the riverbank would be lost. It is unclear what impact the works to the riverbank 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.
- 10.34 A photographic Tree Survey (dated March 2022) of the trees along the riverbank and on site accompany the tree study (2-page letter) which was provided under the previous application. The tree study refers to the poor condition of the Ash trees within the site and asserts that the development would not cause too much disturbance to the rooting environment of retained trees. It also refers to riverbank erosion and the risk to further loss of trees along the riverbank unless the riverbank is protected. Tree planting on the banks with suitable species could be proposed. No further details have been provided at this stage, although the applicant has confirmed that full details would be provided at the reserved matters stage.
- 10.35 It is necessary to fully consider the proposals impact on the trees at the outline stage. In the absence of a full Arboricultural Survey/report detailing all the trees, a tree constraints plan, arboricultural method statement and tree protection plan there is insufficient information to adequately assess the proposals impact on the trees and the proposal is contrary to adopted policies QP3 and NR3 of the adopted local plan.

v. Impact on Character and Appearance

- 10.36 The overall site is 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' and that fly tipping is becoming a major problem as suggested by the applicant. The site is undeveloped, and views of the site are available from the Thames Path which runs along the opposite (southern side) of the riverbank.
- 10.37 Adopted policy QP3 requires new development to respect and enhance the local and natural character of the environment paying particular regard to scale, bulk, massing, proportions, trees, and biodiversity. Adopted policy QP4 sets out several 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 riverbanks and their associated bankside and marginal vegetation and the ecological value of the area including its role as a wildlife network. 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.
- 10.38 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 riverbank and from the driveway. There is currently a row of mature trees along the riverbank which provides some screening, but it is unclear whether these trees are to be retained.
- 10.39 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 riverbank 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 or 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 policies QP3 and QP4 and Neighbourhood Plan policy NP/OE1. 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

- 10.40 Adopted 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. Adopted policy EP1 states that residential amenity should not be harmed by reason of noise, smell, and other nuisance and adopted 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, the rural character of an area or biodiversity. The Council will require noise impact assessments to be submitted where development proposals will generate noise.
- 10.41 Number 68 Wraysbury Road located at the site entrance and The Holm situated to the east of the site are the closest residential properties. There are some residential properties to the south of the site, but these are some distance from the site. The site lies close to the M25 motorway. An Environmental Assessment report has been submitted with the current application which updates previously submitted information to reflect expected noise levels from the dry dock and slip way operation. In addition, the report includes data on air quality and how this may be improved by the inclusion of living grow walls covering the structure. Contained within the report are measures to prevent any contamination of the watercourse arising from normal boatyard activities.
- 10.42 The M25 already produces a considerable amount of noise. Noise emanating from the boat yard is likely to be from the occasional drill, sander, water pump or the crane lifting boats which would be heard against the background noise of the M25. The Environmental Protection team has raised no objection to the proposal subject to the imposition of appropriate conditions including a noise assessment and noise rating level to ensure that the noise levels are acceptable and protect the residential amenities of the neighbouring occupiers. Details of any paint spraying plant and equipment will also need to be secured by condition along with details of artificial lighting to avoid any glare to nearby properties. The operating hours could be restricted to between 08:00 and 17:00 Monday to Friday and between 9:00-15:00 on Saturdays and at no time on Sundays or Bank Holidays. Overall, it is considered that the proposal can be sufficiently controlled to avoid any unacceptable impact on the living conditions of neighbouring occupiers to comply with adopted policies QP3, EP1 and EP4.

vii Highway Safety & Parking

- 10.43 Adopted 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.
- 10.44 The site is served by a vehicular access located between numbers 66 and 68 Wraysbury Road. A long, narrow driveway leads from the entrance/exit to the site. It is heavily treed on both sides and there is no room for traffic to pass. The occupiers of The Holm and number 68 Wraysbury Road are understood to have access rights over the driveway. The applicant has indicated his intention to widen the driveway for the whole length or to install safe passing places. No details have been provided at this outline stage. Further details of any proposed upgrade to the driveway would need to be provided at the reserved matters stage to assess the potential impact on any trees.

- 10.45 The applicant has confirmed that traffic movements are likely to be limited and would include staff vehicles and deliveries of consumables in relation to the work carried out at the facility. Boats will come and go via the river. It is envisaged that only a few boats would be transported by road. It is not uncommon for cars to park on Wraysbury Road close to the site entrance which could impact on visibility for vehicles leaving the site and would need to be demonstrated that adequate visibility from the access can be achieved. The Highways section has raised no issues with the proposal subject to securing a Construction Management Plan and National Highways has recommended a Construction Environmental Management Plan (CEMP) condition be secured.
- 10.46 More details relating to the suitability of the access will be required at the reserved matters stage to ensure that the proposal complies with adopted policy QP3.

viii Archaeology

- 10.47 There are potential archaeological implications associated with the 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. A condition would need to be secured to mitigate the impacts of the development.

ix. Sustainability

- 10.48 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. Adopted policy SP2 requires all development to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change and adopted 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.
- 10.49 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. A low flow electric generating system is also proposed. 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 adopted policy SP2.

x. Very Special Circumstances

- 10.50 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.
- 10.51 The development constitutes inappropriate development which is harmful by definition. There is further harm to the Green Belt because 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 individually to other harm identified above including harm to ecology and trees. The final comments from the EA relating to flood risk are outstanding.
- 10.52 The case for VSC is set out in the applicant's covering letter and the accompanying Land Study and is summarised as follows:

Commercial Need and Demand

10.53 The applicant has referred 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 in neighbouring authorities. The former Thames Conservancy slipway at Reading has been redeveloped, the EA's Sunbury Drydock and Caversham boatlift are often unavailable due to operational difficulties and the EA's other smaller facility at Thames and Kennet Marina has limited availability.

10.54 The Land Study includes the following information:

Past Land Sales - There has only been two potential sites for a boat yard development over the past 40 years. One adjoining Windsor Marina which was found to have a national gas pipeline running through it and the other the former Beaumont Boathouse in Straight Road in Old Windsor which was redeveloped for housing in the early 1990s.

Loss of Boatyards - There has been a substantial loss of boatyards in the study area over the past 50 years. This is due in part to the high prices commanded for housing and the lack of protection given to existing boathouses against redevelopment. This has resulted in a reduction in the number of facilities. A list of 15 boatyards sites that have been redeveloped for residential in RBWM and the neighbouring local authorities has been provided.

The situation today - There are very few yards now remaining in the area and none that can cope with large vessels for inspection requirements. A list of 8 larger yards has been provided which includes Woottens Boatyard, Cookham Dean, Bourne End Marina, Bray Marina, Windsor Marina, Clewer Boatyard, Penton Hook Marina, Bridge Marina and the EA dry dock at Sunbury. There were no yards in the study area capable of slipping or docking craft longer than approximately 60 feet and more than 20 tons.

Boat Numbers on the Non-Tidal Thames 2021

The extent of the non-tidal Thames starts at Lechlade and extends to Teddington. There are also several connecting waterways including the River Wey, the Kennet and Avon Canal and the Oxford Canal. The applicant has advised that craft wishing to use the facility could come from any of these waterways due to the shortage of available yards. There is also understood to be a real possibility that an existing facility at Eel Pie Island in Twickenham could close in the future. The site is located halfway along the reaches of the upper Thames. The numbers and sort of vessels which would use the facility relating to the non-tidal Thames are set out as follows:

Total number of registered craft over 60ft (18.2m) in length = 296

Passenger vessels (Maritime and Coastguard Agency - MCA certified) carrying more than 12 passengers and inspected annually = 51

Other craft (restricted to no more than 12 passengers) including yachts, barges, narrowboats, hotel boats inspected regularly by surveyors under the Boat Safety Scheme and in some cases the MCA's Small Craft Rules = 46

'Live aboards' –varying types of craft used for permanent residential purposes. These include craft that can move under their own power and those that are static. These craft are required to be regularly inspected by their insurers. The maximum interval for these inspections is currently 10 years but this is likely to be reduced = approx.100

10.55 The applicant argues that the absence of such a facility places logistical and financial pressure on commercial and private boat owners. It is clear that Boat operators are finding it increasingly difficult to find yards to lift craft out of the water for mandatory inspections. This is further evidenced by letters of support from Salters Steamers, Thames Rivercruise, the Passenger Boat Association, the Dutch Barge Association and the owner of the Magna Carta hotel barge. Except

for the EA's dry dock which has a limited availability, there are currently no facilities suitable for providing the regulatory inspection of larger passenger and residential craft in the study area. Owners regularly must travel further afield which can be problematic if there are any lock closures. The report concludes that there is a demand for the facilities and that there are no other suitable sites in the whole area. The statutory safety inspection of boats is a very important aspect of supporting the industry and a brand-new purpose-built boat servicing facility would be the first of its kind to be proposed for over 50 years. It is argued that the site is appropriate for this kind of development and is currently the only site available. The LPA recognises the need for the facility and the support from the various specialists in the field. The need for the development is afforded **moderate** weight as a benefit.

Economic Benefits

- 10.56 RBWM benefits economically from tourism and hospitality, and it is important that adequate facilities exist to ensure that commercial craft are maintained to the highest standards. Leisure and hospitality provide jobs and boating plays an important role in this objective. The safety of commercial craft is paramount, and the provision of inspection facilities is vital. The proposal would help to support tourism and this benefit is afforded **moderate** weight
- 10.57 The proposed facility would also provide a minimum of four permanent and four part-time jobs. In addition, it is hoped that it will provide training for people wishing to enter the industry. This benefit is afforded **limited** weight.

Ecological and environmental benefits

- 10.58 The applicant argues that there is the potential for ecological and environmental improvements arising from the reinstatement of the 'derelict' site and that the trees on the site are in poor condition and would benefit from a maintenance and replacement plan. Given the strong objections raised by officers in relation to a lack of information relating to ecology and trees, this matter is not afforded any weight as a benefit.

Whether the benefits clearly outweigh the identified Green Belt harm and any other harm

- 10.59 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 harm in terms of impact on ecology and trees. The benefits of the scheme put forward by applicant are not considered to outweigh the harm to the Green Belt and the other identified harm either individually or cumulatively. Therefore, it is considered that Very Special Circumstances to not exist to justify the proposal.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

The proposed development is not CIL liable.

12. PLANNING BALANCE AND CONCLUSION

- 12.1 The proposal has been identified as inappropriate development in the Green Belt and Very Special Circumstances have not been found to exist to clearly outweigh this harm.
- 12.2 In addition the proposal does not include the necessary arboricultural and ecological information required to assess the impact of the development on trees, protected species and habitats.
- 12.3 Whilst there are some benefits to the scheme, when weighed against the identified harms, they would not individually or cumulatively justify approval of the proposal. As such, and in accordance with paragraph 12 of the NPPF, planning permission should be refused in accordance with the adopted development plan.

13. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan
- Appendix B – Proposed block plan
- Appendix C – Outline design - floor plans and elevations

14. REASONS FOR REFUSAL:

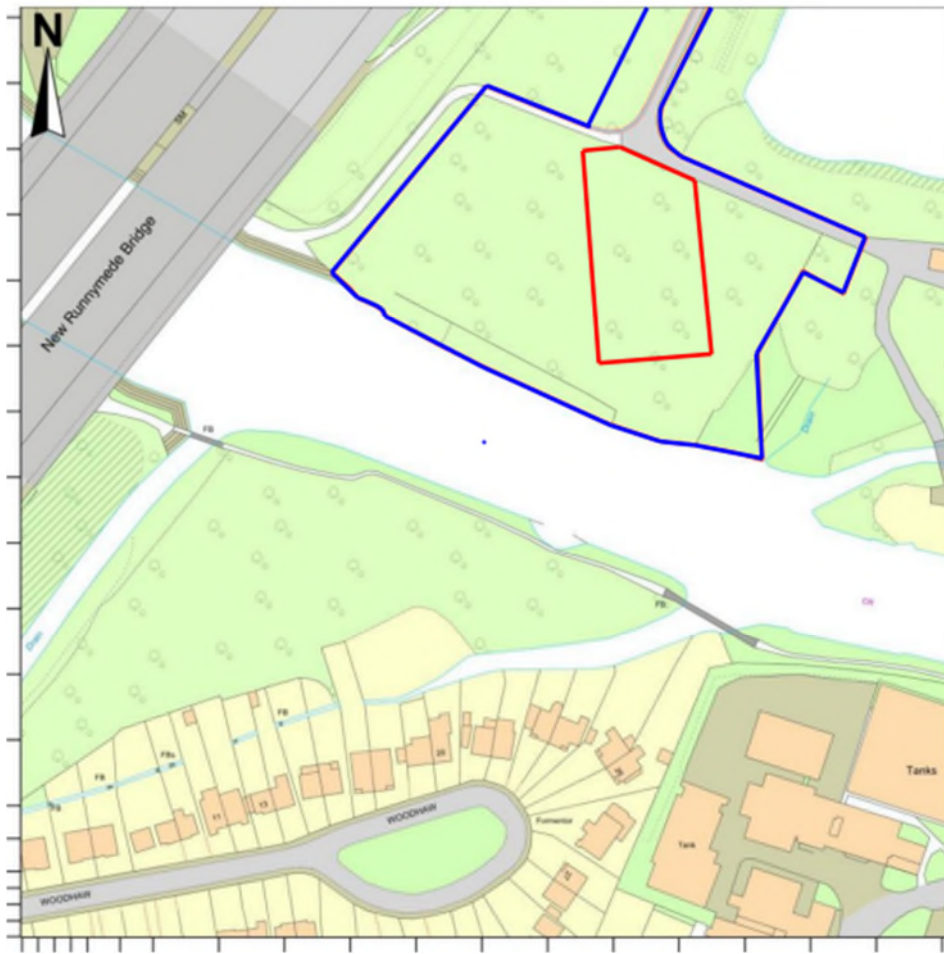
- 1 The application site lies within the designated Green Belt. The proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. Furthermore, the proposal would result in harm to the openness of the Green Belt and would conflict with one of the purposes 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 adopted policy QP5 of the Borough Local Plan (adopted February 2022) and paragraphs 147, 148 and 149 of the National Planning Policy Framework (2021).
- 2 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 Wraysbury Neighbourhood Plan and policies QP4 and NR2 set out in the Borough Local Plan (adopted February 2022).
- 3 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 QP3 and NR2 of the Borough Local Plan (adopted February 2022).

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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 – CONCEPT DESIGN - FLOOR PLANS AND ELEVATIONS

