

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

DEVELOPMENT CONTROL PANEL

4 January 2024

Item: 1

Application No.:	23/02104/FULL
Location:	Alexandra Gardens Barry Avenue Windsor SL4 5JA
Proposal:	Observation Wheel and Refreshment Unit to be sited from March 15th 2024 to September 9th 2024. Open to the public from March 22nd 2024 to September 2nd 2024.
Applicant:	Mr Coupland
Agent:	Mr Simon Loveday
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 This application follows other temporary permissions to construct an observation wheel in Alexandra Gardens, the last one being in 2012. The siting of the observation wheel and refreshment unit would be for a temporary period between the months of March and September 2024 (including set up and dismantling). Since 2016 an ice rink and attractions have been sited within the Gardens between the months of November and January.
- 1.2 The observation wheel would have an overall height of 35 metres and would be sited on the southern side of the central pathway which runs east/west through the Gardens. The level of harm caused to the adjacent Conservation Area would be less than substantial. This harm would be outweighed by the public benefits of the proposal which include benefits to the town's economy from the 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.

It is recommended the Committee grants planning permission with the conditions listed in Section 14 of this report.

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.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 Alexandra Gardens is a large public amenity space which lies to the south of Barry Avenue and the River Thames and to the west of Goswell Road close to 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, public car park and cafe and gift shops. 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 Planning permission is sought to construct a 35m high observation wheel in Alexandra Gardens between the 15th March 2024 and the 9th September 2024 (including setting up and dismantling). The wheel will operate between the hours of 11am and 9pm at weekends and holidays and between 1pm and 9pm during off peak weekdays. The gondolas would have low level ambient lighting and will only be lit up at dusk.
- 5.2 A refreshment kiosk would be sited alongside the observation wheel, on a decked area.

6. RELEVANT PLANNING HISTORY

- 6.1 There have been several other temporary permissions granted for observation wheels in other locations within the gardens, set out as follows:

Reference	Description	Decision
21/01599/FULL	Observation wheel and refreshment unit to be sited from 1st July to 30 th September 2021	Withdrawn 14.2.23
21/02291/FULL	Ice rink and attractions from November to January 2022-2025.	Permitted 6.5.22
12/00875/FULL	Erection of an observation/Ferris wheel with associated equipment and facilities for a temporary period to be constructed from the 11 May 2012 in use between the 18 th May 2012 through to 15 th July 2012 and dismantled and removed from site by 20 th July 2012.	Permitted 25.5.2012
11/00128/FULL	Erection of an observation/Ferris wheel with associated equipment and facilities for a temporary period to be constructed from the 4 th April 2011 in use between the 9 th April 2011 to 30 th October 2011 and dismantled and removed from site by 4 th November 2011.	Permitted 17.3.2011
10/00009/FULL	Erection of an observation/Ferris wheel with associated equipment and facilities for a temporary period to be constructed from the 15 th March 2010 in use between the 27 th March 2010 to 31 st October 2010 and dismantled and removed from site by 6 th November 2010	Permitted 18.2.2010
08/03102/FULL	Erection of an observation/Ferris wheel with associated equipment and facilities for a temporary period from 2 nd April 2009 to 1 st November 2009 and dismantled and removed from site by 8 th November 2009.	Permitted 23.2.2009

08/00279/TEMP	Erection of a 52m high observation/Ferris wheel with associated equipment and facilities for a temporary period 17 th June to 7 th November 2008	Permitted 11.6.2008
07/02201/VAR	Variation of condition 1 of planning permission 07/000074 to allow the wheel to operate until 9 th November 2007	Permitted 8.10/2007
06/00705/TEMP	Erection of a 55 metre high observation/Ferris wheel with associated equipment for a temporary period of 16 weeks	Permitted 26.5.2006

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
Historic Environment	HE1
Managing Flood Risk and Waterways	NR1
Trees, Woodlands and Hedgerows	NR3
Environmental Protection	EP1
Artificial Light Pollution	EP3
Noise	EP4
Sustainable Transport	IF2
Open Space	IF4

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

7 occupiers were notified directly of the application.

The planning officer posted a site notice advertising the application on the 15th September 2023.

3 letters were received objecting to the application including a letter from The Windsor and Eton Society, summarised as:

Comment		Where in the report this is considered
1.	Visual harm of installation and associated noise, lighting and general effect on peaceful area for relaxation.	Section 10i & iv
2.	Adverse impact on nearby residents from lights and noise.	Section 10 iv
2.	Decimation of Alexandra Gardens – lawns need time to recover from the ice rink	Section 10 viii
3.	Visitors will be attracted away from the town centre	Section 10i
4.	The proposal will be in place throughout the summer months and will impact people's ability to enjoy the gardens	Section 10 ii
5.	Alexandra Gardens is a pretty public garden near the river Thames with seating, a bandstand and grassed area perfect for picnic.	Section 10 ii
6.	With the Ice rink installed from end of October to February and then wheel installed from March to September there is not time for Alexandra Gardens to be enjoyed – contrary to IF4.	Section 10 ii
7.	Adverse effect on setting of nearby Heritage Assets and views of Windsor Castle.	Section 10i
8.	Overlooking of properties in Bridgewater Terrace	Section 10iv

Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	Objection– no FRA submitted	Section 10v
Conservation Officer	Less than substantial harm	Section 10i
Environmental Protection	No comments to make	Noted

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

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

- 10.2 Alexandra Gardens lies just outside the Windsor Town Centre Conservation Area which lies to the east of Goswell Road. The grade II listed Windsor Royal Station complex lies to the southeast of Alexandra Gardens. 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 The observation wheel would have a total height of 35m. The refreshment unit, measuring 8m by 4m and 4m in height would be sited on a decked area to the east of the observation wheel. Both would be sited parallel to the central path running east to west through the gardens. The siting would maintain the views of Windsor Castle from the Gardens and enable the footpath to be used. The bandstand on the northern section of the Gardens would be unaffected by the proposal.
- 10.4 The wheel would be set back approximately 53m from Goswell Road and approximately 63m from the Conservation Area. Whilst it is acknowledged that the wheel would have a negative impact on the setting and significance of the adjacent Conservation Area and nearby listed structures, 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 a beneficial increase in visitor numbers to the area, the limited harm to heritage would be outweighed.
- 10.5 Overall the proposal is acceptable in terms of adopted policies HE1 and QP3.

ii. 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 the observation wheel and refreshment unit, with the majority of the gardens remaining unaffected by proposal. There would still be a large amount of space retained for leisure activities and relaxation. It will however be important to ensure that the land is reinstated to its original condition once the structures are removed, and this can be conditioned. Given the temporary nature of the proposal, it 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 wheel would be sited approximately 63m from the river and would be partially screened by trees and hedges which lie around the perimeter of the gardens. Long distant views of the wheel from Eton Bridge and the river would be fairly well screened by the trees and given the temporary nature of the proposal it would not give rise to an unacceptable impact on the character and setting of the River Thames.

iii. 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 floor area would be less than 100sq.m and therefore the requirements of the ISPS do not apply. However, it is still important to ensure the proposal is as sustainable as it can be to help reduce carbon emissions. In this regard an Energy Statement has been provided and confirms that power is to be obtained from a green power box on the edge of the gardens and a single 63amp cable will be covered by cable track. The wheel would be lit using low powered LED lights and will be only turned on at dusk.
- 10.9 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 can be secured by condition.

iv. The impact on the living conditions of nearby properties

- 10.10 Adopted policies QP3, EP1, EP3 and EP4 seek to protect residential amenity. The nearest residential properties are in Castleview House, an over 55's development on the corner of Goswell Road and Bridgewater Road, to the southeast of the site. Approximately 73m would be maintained between the proposed wheel and the nearest residential properties. The wheel would operate between the hours of 11am and 9pm at weekends and holidays and between 1pm and 9pm during off peak weekdays. All lighting will be extinguished outside of public opening hours and no music will be played.
- 10.11 Given the distance maintained between the wheel and the neighbouring residential properties the proposal would not result in an unacceptable impact on their living conditions in terms of privacy, noise or light pollution and would accord with adopted policy QP3, EP1, EP3 and EP4.

v. Flood Risk

- 10.12 The site lies within Flood Zone 3a (high probability of flooding). A basic Flood Risk Statement has been provided by the applicant. A site-specific Flood Risk Assessment is normally required in accordance with paragraph 167 of the NPPF and adopted policy NR1 and Environment Agency has raised objection on this basis.
- 10.13 In commenting on the previously withdrawn application the EA raised no objection subject to an appropriate condition being secured. Given the temporary nature of the proposal, the impact on the flood plain is unlikely to be significant or even measurable and a sequential approach is not required in this case. An emergency plan has been provided within the 'Flood Risk Assessment and Emergency Plan' received on the 1st December 2023.
- 10.14 Subject to securing an appropriate condition, the proposal is acceptable in terms of flood risk and accords with adopted policy NR1.

vi. 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 public car parks nearby. A travel Plan accompanies the application and seeks to encourage the use of public transport by offering discounted ticket prices for those using public transport.

- 10.16 The proposal raises no highway or parking concerns and accords with adopted policy IF2.

vii. Impact on trees

- 10.17 There are several 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. A tree plan indicating root protection area has been supplied.

- 10.18 The proposed observation wheel and refreshment unit would be sited well away from any trees as shown on the layout drawing and construction traffic will access the site from Goswell Road and will not encroach into the RPAs of any surrounding trees. The Construction and Dismantling Statement confirms that no vehicles associated with the construction and dismantling will need to cross soft ground. Vehicles will access the site from Goswell Road.

- 10.19 Subject to securing a suitable condition, the proposal is acceptable in terms of its impact on trees and accords with adopted policy NR3.

viii. Other Issues

- 10.20 The ice rink and attractions are required to be dismantled by 22nd January 2024 which should give the site enough time to recover and be restored before the Observation wheel is installed from the 15th March 2024.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 11.1 The proposal is not CIL liable.

12. CONCLUSION

- 12.1 Notwithstanding that the proposal is in a sensitive location, the proposal is for a temporary period only and considering the associated 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 plan
Appendix B - Details of observation wheel and refreshment unit

14. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development shall not commence until the 15th March 2024 and the observation wheel shall not be open to the public until the 22nd March 2024. The use shall be discontinued on or before the 2nd September 2024. The wheel and all associated

structures shall be removed in their entirety from the site and the land restored to its previous condition on or before the 9th September 2024.

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 policies - Local Plan HE1, QP3 and NR1.

2 The wheel and refreshment kiosk shall only operate between the hours of 11am and 9pm.

Reason: To protect the amenities of nearby residents. Relevant policies - Local Plan QP3 and EP4.

3 The development shall be carried out in accordance with the details set out in the construction and dismantle statements and the layout drawing showing the trees and root protection areas.

Reason: To protect the trees which contribute to the visual amenities of the area and in the interests of highway safety. Relevant Policies - Local Plan NR3 and IF2.

4 The development shall be carried out in accordance with the Flood Risk Statement and operate in accordance with the flood Emergency Plan provided in the 'Flood Risk Assessment and Emergency Plan' received on the 1st December 2023.

Reason: To ensure appropriate flood mitigation. Relevant Policy - Local Plan NR1.

5 The development shall be carried out in accordance with the lighting statement received on the 25th August 2023.

Reason: To prevent light pollution. Relevant policy - Local Plan EP3.

6 The development shall be undertaken in accordance with the details set out in the Observation Wheel Travel Plan 2024.

Reason: To help encourage more sustainable modes of transport. Relevant Policy - Local Plan IF2.

7 The development shall be carried out in accordance with the sustainability measures set out in the Energy Statement received on the 1st December 2023.

Reason: To ensure appropriate sustainability measures. Relevant Policy - Local Plan

SP2.

8 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.