
Appeal Decision

Site visit made on 7 June 2016

by William Fieldhouse BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 June 2016

Appeal Ref: APP/T0355/W/16/3145536

Land west of Eton Excelsior Rowing Club, Maidenhead Road, Windsor

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Castle Members Club Ltd (Mr Nick Pellew) against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application ref 15/01185, dated 15 April 2015, was refused by notice dated 20 August 2015.
 - The proposal is an outline planning application for a health and fitness club with some matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application sought outline planning permission with all matters other than access reserved for subsequent approval. A number of plans and other material submitted as part of the proposal indicating the nature, scale, layout and landscaping of the development were treated by both parties as being for illustrative purposes only rather than a formal part of the proposal. I have dealt with the appeal accordingly.

Main Issues

3. The parties agree that the proposal would represent inappropriate development in the Green Belt as defined in the Royal Borough of Windsor and Maidenhead Local Plan (incorporating alterations adopted in June 2003) ("local plan") and current national planning policy¹. The main issues are therefore:
 - the effect that the proposal would have on the openness of the Green Belt;
 - the effect that the proposal would have on the character and appearance of the area;
 - the effect that the proposal would have on ecology;
 - whether the proposal would be subject to an acceptable level of flood risk or be likely to affect flooding elsewhere; and

¹ National Planning Policy Framework ("NPPF") paragraph 89.

- whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it².

Reasons

The Site, its Surroundings, and the Proposal

4. The appeal site is a narrow strip of land, approximately 200 metres in length, running between the end of a no through road and the river Thames. To the west is woodland; to the south further trees and a scattering of houses; to the east the Eton Excelsior Rowing Club, with Windsor Marina beyond; and to the north the river. The site itself is undeveloped, unkempt and unused, and is covered by numerous protected trees³ and other vegetation along with a limited amount of rubble and other detritus. An underground gas pipeline runs along the eastern side of the site.
5. The proposal would provide a replacement facility for an existing, long established and popular health and fitness club in Windsor, the site of which is to be redeveloped for a care home. The existing club building is just under 2,000m² in size and includes a gymnasium, squash courts, treatment rooms and other associated facilities that are used by hundreds of members and pay as you go customers. Whilst scale is a reserved matter, it is clear that a building of a similar size to the existing club would be required along with a large new car park, the use of which would be shared with the adjoining rowing club.

Openness of the Green Belt

6. Openness is an essential characteristic of Green Belts⁴ that depends largely on the amount of built development and other physical features present in an area. The erection of a substantial new building would clearly reduce the openness of the appeal site, and the parking of numerous cars would exacerbate the effect. The fact that the site is relatively remote and cannot be seen from public vantage points other than short sections of the river and footpath on the opposite bank means that the loss of openness would be perceived only by a limited number of people in addition to future users of the development and the rowing club. However, this does not alter the physical reality that this part of the Green Belt would be significantly less open than at present.
7. I conclude on this issue that the proposal would lead to a material loss of openness to the area. This would be contrary to local plan policy GB2, and undermine one of the essential characteristics of Green Belts as defined in national planning policy.

Character and Appearance

8. The largely undeveloped and heavily vegetated nature of the site and its immediate surroundings; the location at the end of a no through road; and the nature of the outdoor recreation uses of nearby land and water mean that the

² NPPF paragraph 87.

³ TPO 31/2003 (all trees on the site) and TPO 26/2008 (woodland adjoining the site).

⁴ NPPF paragraph 79.

area has a relatively remote and essentially rural character. Whilst the building need not be significantly higher than the existing rowing club and it could be set back a similar distance from the river, the illustrative material indicates that it would be of substantial size. Irrespective of the quality of the detailed design and landscaping, the introduction of such a commercial building and extensive areas of car parking along with the loss of a large number of trees⁵ would have a significant impact on the quiet rural nature of the area.

9. I conclude on this issue that the proposal would materially harm the character and appearance of the area contrary to local plan policies N2 and N6 which aim to conserve and enhance the setting of the Thames and wherever practicable ensure the retention of existing trees. Furthermore, the proposal would be contrary to national planning policy which recognises the intrinsic character and beauty of the countryside and seeks to retain and enhance the visual amenity of Green Belts and conserve and enhance the natural environment⁶.

Ecology

10. The presence of rough grassland, trees, scrub and hedgerows on the site, and its location close to the river and extensive areas of woodland, mean that it may be a habitat for protected and other species. The appellant advises that an ecological report was not submitted with the planning application due to it having been made at a time of the year unsuitable for carrying out a survey, but considers that this could be required by a planning condition and taken into account when details of the reserved matters are prepared.
11. However, the granting of planning permission for a proposal of the nature and scale indicated by the illustrative material would be likely to lead to the loss of most of the trees and other vegetation on the site and it is unclear whether the potential harm to ecology could be adequately mitigated or compensated for by a landscaping scheme and other measures.
12. I therefore conclude on this issue that it is likely that the proposal would materially harm the ecology of the area contrary to national planning policy which seeks to conserve and enhance biodiversity⁷.

Flood Risk

13. Part of the site is at high risk of flooding and the remainder is at medium risk. Technical reports submitted by the appellant as part of the planning application and at the appeal stage indicate that the development would not be at risk of flooding provided that finished floor levels were above a specified height, and that the proposal would not impede the flow of flood water, reduce the capacity of the flood plain, or increase the number of people or properties at risk provided that ground levels were reduced on part of the site.
14. The appellant is satisfied that this could be achieved in a satisfactory manner, notwithstanding the presence of the underground pipeline, and that this could be dealt with by a planning condition and taken into account when details of the reserved matters are prepared.

⁵ The Council advises that the proposal would be likely to lead to the loss of 123 protected trees on the site and a further 43 on adjoining land being harmed.

⁶ NPPF paragraph 17, 5th bullet point; paragraph 81; and section 11.

⁷ NPPF paragraph 118.

15. However, neither the Council nor the Environment Agency are convinced that the required flood water storage compensation could be provided satisfactorily in accordance with the requirements of local plan policy F1 and national planning policy⁸. Given these doubts, I am not persuaded that this issue has been adequately addressed at this stage. However, given my findings on the other main issues, I do not consider it necessary to pursue this matter further in order to determine this appeal.

Other Considerations and Balancing Exercise

16. There is a considerable amount of support for the proposal amongst local people and users of the existing health and fitness club who are concerned at the imminent loss of their existing facilities. The appellant advises that a search for a new site to relocate to has been on-going for years, and that land prices and planning policies relating to employment land have prevented one being found.
17. The current proposal, which has clearly been prepared with considerable effort, would utilise a disused site and provide good quality indoor sport and leisure facilities that would also be used in connection with outdoor activities including running, cycling, boating and an outdoor gymnasium and studio area. This would help to improve the health and well-being of the local community and lead to significant social and economic benefits in accordance with local plan policy R7 and national planning policy⁹.
18. The proposal would also be of benefit to the adjoining rowing club through the provision of improved car parking areas, access to the gymnasium and other indoor facilities, and an additional area on the river frontage for launching boats.
19. I attach significant weight to the benefits that the proposal would deliver. However, I am also mindful that it has been pointed out by the Council that other more suitable sites may be available for a development such as this, and that, according to several local residents, there are a number of other indoor health and fitness clubs not far away.
20. I am advised that planning permission was granted in the 1990's for the erection of a rowing club building on the site. However, whilst I have not been provided with details of that scheme it is likely that it would be materially different in nature to the current proposal. Furthermore, I am also advised that an appeal was dismissed in 2005 for the erection of a clubhouse with boat storage on the grounds that it would represent inappropriate development in, and reduce the openness of, the Green Belt and result in the loss of trees. Whilst I have had regard to the planning history of the site, I have dealt with the proposal before me on its own particular merits.
21. I have found that the proposal would be inappropriate in, and lead to a significant reduction in the openness of, the Green Belt. Furthermore it would be likely to materially harm the character and appearance, and ecology, of the area. There are also unresolved flood risk issues. The substantial harm that would be caused by the proposal in these regards would not be clearly

⁸ NPPF paragraphs 101 to 103.

⁹ NPPF section 8.

outweighed by the significant benefits that I have identified, and therefore very special circumstances to justify the proposal do not exist¹⁰.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

William Fieldhouse

INSPECTOR

¹⁰ NPPF paragraph 88.