

COMMITTEE AGENDA REFERENCE: (5a)

APPLICATION REF:	RU.22/1421
LOCATION	The Savill Building, Wick Lane, Englefield Green, Surrey, TW20 0UU
PROPOSAL	Proposed temporary Light Trail Event, starting and ending from The Savill Garden Visitor Centre Car Park and circumnavigating the Obelisk Pond along established footpaths/tracks. Taking place from mid-November (installation commencing in late October) to early January (breakdown completing in late January) in 2022, 2023, 2024 and 2025.
TYPE	Full Planning Permission
EXPIRY DATE	03/11/2022
WARD	Englefield Green West Virginia Water
CASE OFFICER	Justin Williams
REASON FOR COMMITTEE DETERMINATION	Major application
<i>If you have questions about this report please contact Ashley Smith, Victoria Gibson or the case officer.</i>	

1. SUMMARY OF RECOMMENDATION

It is recommended the Planning Committee authorises the CHDMBC:	
1.	Grant subject to conditions

2. DETAILS OF THE SITE AND ITS SURROUNDINGS

- 2.1 The majority of the application site sits within Windsor Great Park, but the proposal would also include part of Savill Gardens including the main visitor building and the car park. Windsor Great Part is a Grade 1 listed park and covers an area of 1500 ha and is open to the public from dawn till dusk.
- 2.2 Vehicular access to the site would be via Wick Lane and would use the existing car park located in front of the visitor building. The site is within the Green Belt, includes

an area of ancient woodland and is within a Site of Nature Conservation Importance. The Obelisk is also a Grade II Listed Building.

- 2.3 The site is generally level around the Obelisk Pond with a slight gradient up to the main visitor Centre at Savill Gardens. The site has several paths which are open to the general public and not within Savill Garden being within Windsor Great Park.

3. APPLICATION DETAILS

- 3.1 The applicant has applied for Full Planning Permission for the installation of an illuminated visitor attraction of 2.2 kms. The event will open for a preview event on the 16th November with the full opening on the 17th November. The event will run every evening apart from Christmas day from 16:30 to last entry at 20:30 until 3rd January 2023. The site will be clear of the installation by 12 January 2022. The event will be closed each night and clear of staff and visitors by 22:30.
- 3.2 The event will be for pre booked tickets only and it is anticipated that the event will attract approximately 130,000 visitors over the duration of the event. Whereas the event would have a capacity of 518 per 30 minutes. The event will also include portable toilet facilities, food and beverage traders, and a carousel ride.
- 3.3 The applicant has submitted a number of supporting documents with the application, notably, a Heritage Assessment, Planning Statement, Design and Access Statement, Transport Statement and Traffic Management Plan, Ecological Impact Assessment, Light Trail Assessment and Arboricultural Method Statement.
- 3.4 The applicant has submitted an additional statement in response to the letters of representations received. The layout and design of this year's event has been designed following concerns raised to the applicant following the completion of last years event. A noise assessment and lighting assessment will be carried out to ensure that any sensitive receptors are not adversely affected. Adjustments will be made to the event if required. Additional signage will be added to direct visitors at the site and to encourage visitors to act responsibly with regard to disposal of waste. Ecology surveys and transport monitoring will be carried out and reports submitted each year to assess whether any changes to the event are required.

4. RELEVANT PLANNING HISTORY

- 4.1 The following history is considered relevant to this application:

Reference	Details
RU.21/1446	Proposed temporary Light Trail Event, starting and ending from The Savill Garden Visitor Centre Car Park and circumnavigating the Obelisk Pond along established footpaths/tracks. Taking place between 18th November 2021 and 9th January 2022 (installation commencing 26th October 2021 and breakdown completing on 23rd January 2022. Granted October 2021

RU.20/0720	Proposed extension to the Savill Building, New toddlers Play Garden and New Woodland Walkway. Granted October 2020
RU.17/0821	Alterations to the existing entrance retaining wall to provide new glazed access doors to a new proposed 'grab and go' food drink facility and the proposed installation of raised external floor lights along the main pedestrian entrance. Granted July 2017
RU.03/0911	Proposed new visitors centre and improvements to car park. Existing buildings to be demolished after completion. No objection January 2004.

5 SUMMARY OF MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework and Guidance.
- 5.2 The Runnymede 2030 Local Plan was adopted on 16 July 2020 and the policies have to be read as a whole. Any specific key policies will be referred to in the planning considerations.
- 5.3 This site falls within the designated Englefield Green Neighbourhood Area. However a Neighbourhood Plan has not been developed yet for this area.

6. CONSULTATIONS CARRIED OUT

Consultees responses

Consultee	Comments
Historic England	Comments Awaited
The Gardens Trust	Wishes to make no comment.
RBC Conservation Advisor	No objection
RBC Environmental Protection Officer	No objection
RBC Tree Officer	No objection
Surrey County Highways	No objection
Surrey Bat Group	Raised points which are covered in the officer report.
Surrey Wildlife Trust	No objection

Representations and comments from interested parties

6.2 247 Neighbouring properties were consulted in addition to being advertised on the Council's website, in the local press and three site notices have been displayed in the surrounding area and twenty four letters of representation have been received which can be summarised as follows:

- The proposal causes disturbance to wildlife in the park and light pollution
- The proposal also causes traffic on Wick Road, Bishopsgate and Wick Lane
- The proposal had limited signage around The Fairmont Hotel and Wick Lane.
- The number of visitors to the event is likely to be close to the capacity because of the longer period of publicity and marketing and overall interest from the public to royal venues.
- The additional traffic caused damage to the routes around Wick Lane and Wick Road
- The event last year generated significant and regular littering around the area
- The event impacted upon the health and safety of residents using the road because of the increase in number of vehicles.

A letter has also been received from Englefield Green Residents Association which raise the following concerns:

- The proposal caused severe traffic flow problems during the event in 2021 with a large volume of traffic through the centre of the village.
- Traffic management and signage should be clear and with marshals' along the route
- The application should be for one year only for it to be reappraised for the subsequent years.

7. PLANNING CONSIDERATIONS

7.1 In the determination of this application regard must be had to the Development Plan and National policy within the NPPF. The application site is located within the Green Belt where there is a presumption against inappropriate development. This must be considered in light of the presumption in favour of sustainable development advocated by the NPPF. The key planning matters are whether the proposed works are considered to be an appropriate form of development within the Green Belt, and if not whether there are any very special circumstances to outweigh the harm to the Green Belt and any other identified harms. The impact the proposed works would have on the amenities of the area, Trees, Biodiversity, the Listed Garden and the Grade II Listed Obelisk.

7.2 The site is an existing parkland in the Green Belt which has a number of mature trees and has a network of paths around the site. The proposal would include temporary buildings at the site to facilitate the event which would be on site for a period of up to approximately 13 weeks and facilitate the use of the park into the evening when it is normally closed. The NPPF states that the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor recreation as long as the facilities preserves the openness of the Green Belt and do not conflict with the purposes of the Green Belt is an appropriate form of development in the Green Belt.

- 7.3 The proposal would include the provision of temporary catering and toilet facilities as well as illuminated structures using existing paths which are predominantly surfaced. Following the completion of the event the park would be returned to its former condition with all structures removed from the site. The structures are low level and are temporary in nature and access to the site and parking would use existing roads and car parking. It is therefore considered that the structures would be appropriate facilities to enjoy the park in the winter months for a temporary period and that they would not permanently harm the openness of the Green Belt and would not conflict with the purposes of the Green Belt. The proposal would not be inappropriate development in the Green Belt and would comply with Policy EE16 of the Local Plan.
- 7.4 The structures would be located within the park and would not be clearly visible from outside of the park. Furthermore, the proposal would be open for 46 days with limited opening hours from 16:30 to 22:30 with the last admission being at 20:30. The event will be closed and clear by 22:30. Therefore, it is considered that the proposal would not materially result in any permanent harmful impact on the amenities of the occupiers of the adjacent neighbouring properties from light pollution or noise disturbance into unsociable hours. The proposal would therefore comply with Policies EE1 and EE2 of the Local Plan.
- 7.5 The site would generate activity at the site into the evening when it is normally closed. The event would have low level seasonal music audible throughout the trail. However, this will cease 20 minutes before the end of the event. The closest residential property to the trail is within the Great Park and approximately 24 metres away. This has dense mature evergreen planting on the boundary with the park. The applicant has also advised that an acoustic barrier will be installed to prevent any detrimental impact on this neighbouring property from noise emanating from the event. The applicant has submitted a Noise report detailing the noise levels from last year's event. The Council's EHO has advised that any potential noise generated would be limited and not extend late into the evening to be a nuisance. It is accepted that the event would be a change from the current situation, however, any disruption would be for a temporary period and given the boundary screening, limited opening hours and acoustic treatment and distance to neighbouring properties the proposal would not materially result in significant noise and disturbance to the occupiers of the neighbouring properties.
- 7.6 Power to the site would be provided by four generators. The submitted plan shows the location of these generators to be a good distance away from the closest residential properties, approximately over 100 metres at the closest point. Furthermore, the applicant confirms that the event would be finished by 10.30pm, and therefore it is considered that the proposal would not materially harm the amenities of the occupiers of the adjacent neighbouring properties from noise or light disturbance.
- 7.7 However, a condition is recommended restricting the operation of the event and the lighting, music, and generators to be operational between 16:00 and 22:30 to ensure the amenities of the occupiers of adjacent neighbouring properties are protected. This is longer than the intended opening hours but would enable the site to open with music and lighting on for a short period before and after the event.
- 7.8 The attraction will be located within the Great Park which has a number of mature trees and other natural landscaping and home to a wide range of flora and fauna. The applicant has submitted an Arboricultural Impact Statement and Method Statement in support of the application which details how the proposal would impact on trees in the park. The report notes that the trees on the site do not require any tree work to facilitate the development as the trees on the site are regularly inspected as part of the estate management programme.

- 7.9 However, where the attraction goes close to some trees, protective matting will be put down and the areas around these trees will be inspected weekly with additional protection put down when required. Furthermore, it is recommended that following the closure of the attraction the trees will again be reviewed to assess their condition to monitor any potential reaction to the attraction. The Council's Tree Officer raises no objection subject to condition regarding compliance with the submitted Arboricultural Method Statement and that an updated Arboricultural Method Statement be submitted prior to commencement of the installation works each year.
- 7.10 The applicant has submitted an Ecological Impact Assessment in support of the application. This notes that the site does not extend into any protected areas such as the Site of Special Scientific Interest, (SSSI) or the Special Area of Conservation (SAC), with these being approximately 500 metres and 600 away from the application site. The SAC has been designated for its valuable woodland habitats and presence of the Violet click beetle *Limoniscus violaceus*. Officers consider that the proposal given its distance away would result in no likely significant effects on these ecological receptors and as such no appropriate assessment is required
- 7.11 The report also refers to field surveys carried out to establish the presence of species on the site around where the installation would be going. The trail will follow existing pathways throughout the estate with the lighting for effect only and not directly into the trees. This concluded that there were three trees which had moderate to high potential for roosting bats. The statement advises that the timing of the trail will be at a period when bats will be in hibernation and there would be limited or no potential for foraging or bat behaviour. Furthermore, the proposal would be for temporary time period only.
- 7.12 Surrey Bat Group, raise a concern that the surveys were carried out at a time when any potential roost features were obscured by vegetation and has not considered trees that would be affected by light spill and that no surveys have been carried out when the lighting will be in use. The Surrey Wildlife Trust also raised concern about the lighting around the trees and how ecological surveys will be carried out at the site in future. The applicant has responded to these concerns and has confirmed that they have looked at the trees along the route several times since the initial survey and have seen all potential roost features. In addition, the applicant's ecologist has advised that bat surveys during the time period of the event would not change their conclusions given that bats will be in hibernation and that the light installations are for effect and would not create light spill with them being based around permanent pathways in the estate. The Wildlife Trust has confirmed that an updated ground level roost assessment is submitted each year for the duration of the project to ensure that the status of the trees have not changed. Therefore, subject to this condition, it is considered that the proposal would comply with Policy EE9 of the Runnymede Local Plan.
- 7.13 Windsor Great Park is a Grade I Listed Park and covers an area of 2500 Hectares. The applicant has submitted a Heritage Assessment with their application. Policy EE6 of the Local Plan which refers to Parks and Gardens of Special Historic Interest details that proposals within or may affect the setting of a registered park or garden will be required to protect, conserve, and enhance the character and appearance of the park and any other historical features. The lighting and structures will change the character and appearance of the park by introducing different features which are not found in the park. However, the installations are temporary and would encourage people into the park and view the park in a different way. The submitted information details that the lighting and structures would preserve the character and appearance of the park and the temporary nature of the attraction would mean that the proposal would not result in any harm to the Historic Park or the Listed Obelisk. The Council's

Historic Building Advisor raises no objection to the application particularly because of its temporary nature.

- 7.14 Entry to the attraction would be via an access from the Car Park at Savill Garden. No alterations are proposed to this car park. The Planning statement states that attraction would have staggered opening times with a maximum of 2072 visitors on site in a peak session. The submitted transport assessment states that the light trail is anticipating a maximum of 1381 cars per day to the site. This will be spread out throughout the event because of the staggered time slots and requirement for tickets to be booked in advance.
- 7.15 This is in comparison to the peak number of users at the site in April this year being 1876 cars on site during the day. The site has 669 vehicular spaces, with an additional 21 allocated for disabled parking. Access to the attraction would be signposted to use St Judes Road off the A30 coming from a South and westerly direction and Windsor Road and Priest Hill coming from a northerly and easterly direction and then directing traffic down to Bishopsgate Road. Traffic for the setting up and removal of the attraction would be the reverse. The existing car park has areas for disabled parking and bike storage and a taxi rank which would also be available for the attraction.
- 7.16 Tickets for the attraction will be pre booked with visitors arriving by car also advised to pre book a car parking space. The applicant has advised that residents near to the site will be given a newsletter about the attraction with details about how to access the site by foot. Visitors to Windsor Great Park who are not visiting the attraction will be able to return to their vehicles at Virginia Water Car Park and there will be a lit back route to assist visitors in the early evening. The applicant has confirmed that there will be no access to the event from the Virginia Water Lake Car Park only through the entrance at Savill Gardens.
- 7.17 Neighbours have raised concern about the increase in traffic along Wick Lane causing traffic, being a danger to residents and noise disturbance. The submitted Transport Statement and Traffic Management Plan state that routes to the event will be signposted to discourage traffic along Wick Lane (A30 junction). Production traffic will be via the Blacknest gate junction into Windsor Great Park. The submitted document also outlines measures how parking will be controlled at the site.
- 7.18 Policy SD4 of the Local Plan refers to the Council supporting development proposals which maintain or enhance the efficient and safe operation of the highway network and take into account of the needs of all highway users. The County Highways Authority raise no objection to the application and consider that the proposal would not represent a notable highway safety concern and would comply with Policy SD4 of the Runnymede 2030 Local Plan. However, a condition is recommended that the development shall be commenced in accordance with the submitted Transport Statement and Traffic Management Plan.
- 7.19 The NPPF requires that significant weight should be placed on the need to support economic growth. The submitted Design and Access Statement details that the proposal would provide approximately 300 jobs. Policy IE4 of the Runnymede 2030 Local Plan details that planning applications which deliver a high-quality visitor experience that increases the contribution that tourism makes to quality of life will be supported where they accord with certain criteria. The criteria includes preserving the Borough's special heritage and natural environment and accord with other relevant policies in the local plan. The proposal would attract visitors to the area and for the reasons identified above would accord with other policies in the Local Plan. The proposal would also assist in promoting the Borough as a tourist destination whilst preserving the culture and heritage of Windsor Great Park. The proposal would comply with Policy IE4 of the Local Plan.

7.20 The application is similar to the previous approved attraction last year RU.21/1446, being based around the lake and accessed through Savill Garden car park. The submitted information states that there will be approximately a maximum of 4,144 visitors on site per night if all slots were full. However, because of the staggered ticketing times the maximum number of people on site would be 2072. With the maximum No. of cars visiting the site in the evening at 1381, which would be less than the peak day time visitors to the site which was 1876 vehicles throughout the day. This is up from the previous year which would have had a maximum of 1395 visitors at peak time and a maximum of vehicles on site per day at 1550. The applicant has advised that the parking spaces at the site has increased from last year, because parts of the car park was occupied for the construction works for the Children's play area, which has since been completed.

7.21 The applicant has advised that the car parking will be managed by an increased number of staff in the car parking team and will be offset by the event closing on the 3rd of January instead of the 9th January in 2021. The proposal is to ensure consent for the event for the next four years, with the predominant differences the being trail format, design of lighting operation and installation dates. Conditions, are therefore recommended for the applicant to submit updated information of the event and installation dates along with an updated Arboricultural Method Statement, Noise report and Ecology statement by beginning of September every year from 2024 to 2026 to ensure the amenities of the park and area are protected.

8. PLANNING OBLIGATIONS/COMMUNITY INFRASTRUCTURE LEVY (CIL)

8.1 The proposal is not CIL liable

9. EQUALITY AND HUMAN RIGHTS CONSIDERATIONS

9.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

Consideration has been given to s149 of the Equality Act 2010 (as amended), which has imposes a public sector equality duty that requires a public authority in the exercise of its functions to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is considered that the decision would have regard to this duty.

10. CONCLUSIONS

- 10.1 The proposal would be an appropriate form of development within the Green Belt utilise existing infrastructure and open the park for visitors in a time of year when visitor numbers to the park may be lower, therefore continuing to contribute to the economy of the area.
- 10.2 The development has been assessed against the following Development Plan policies – EE1, EE2, EE3, EE4, EE6, EE16, SD4 and IE4 of the Runnymede 2030 Local Plan, the policies of the NPPF, guidance in the PPG, and other material considerations including third party representations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest. The decision has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

11. FORMAL OFFICER RECOMMENDATION

And the subject to the following planning conditions:

1 Full application (standard time limit)

The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.

2 List of approved plans

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans; Mobile Cabins Info, Mobile Toilet info, Event Management Plan, Ecological Impact Assessment, Arboricultural Method Statement, Event Location Plan 2022, Proposed Event Layout 2022, Tipi Elevation all received 8 September 2022 and Transport Statement and Traffic Management Plan Version 2 received 27 September 2022

Reason: To ensure high quality design and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance in the NPPF

3 Opening and operational times.

The event hereby approved shall not be open to customers and music and lighting shall not be operational outside the following hours:

16:00 - 22:30 except Christmas Day when the event will be closed all day

Reason: To protect the residential amenities of the neighbouring properties and to comply with Polices EE1 and EE2 of the Runnymede 2030 Local Plan and guidance within the NPPF.

4 Arboricultural Method Statement

Prior to the commencement of the installation of the proposed trail for 2023, 2024 and 2025 and before any equipment, facilities or materials are brought on to the site for each relevant year a detailed and updated Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the local planning authority. The statement shall be in accordance with BS5837:2012 - Trees in relation to design, demolition, and construction, and shall contain details of, but not be limited to, the specification and location of tree and ground protection to be used. The statement should also contain details of arboricultural supervision and frequency of inspection during the event. All works shall be carried out in strict accordance with the approved details.

Reason: To ensure that the trees are not damaged or otherwise adversely affected by operations and to comply with Policies EE1 and EE11 of the Runnymede 2030 Local Plan and policy within the NPPF

5 Compliance with Arboricultural Method Statement.

The development hereby approved shall not be implemented other than in accordance with the tree protection principles and methodology as described within the Arboricultural Method Statement dated 31 August 2022.

Reason: To ensure that the trees are not damaged or otherwise adversely affected by operations and to comply with Policies EE1 and EE11 of the Runnymede 2030 Local Plan and policy within the NPPF.

6 Transport Statement & Traffic Management Plan

The development hereby approved shall be commenced in accordance with the approved Transport Statement & Traffic Management Plan (TS&TMP), dated August 2022 Version 2. The approved TS&TMP shall then be implemented at all times during the event, including during the set-up and dismantling of the event. Any changes to the TS&TMP shall be agreed in writing by the Local Planning Authority.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policies SD3, SD4 SD5 and SD7 of the Runnymede 2030 Local Plan and policy within the NPPF

7 Future layout and opening days of event

Prior to the commencement of the installation of the proposed trail for 2023, 2024 and 2025 and before any equipment, facilities or materials are brought on to the site, details of the proposed layout of the event and opening and closing days of the event and details of the construction and breakdown of the event shall be submitted to and approved by the Local Planning Authority.

Reason: To preserve the openness of the Green Belt and the character and appearance of listed structures within the Great Park and to ensure protection of the

amenities of the area and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance within the NPPF.

8) Ecological Appraisal

Prior to the commencement of the installation of the proposed trails for 2023, 2024 and 2025 and before any equipment, facilities or materials are brought onto the site, an updated Ecological Appraisal, which shall include an updated ground level roost assessment of the trees along the proposed route, shall be submitted to and approved in writing by the Local Authority. Any measures identified in the updated and approved Ecological Appraisal shall be implemented for the duration of the event including the set up and dismantling of the event.

Reason: To ensure that the proposal would not affect the biodiversity of the area and the amenities of the adjacent neighbouring properties are protected and to comply with Policies EE2 and EE9 of the Runnymede 2030 Local Plan and guidance in within the NPPF.

9) Details of Noise and lighting Assessment

Prior to the commencement of the installation of the proposed trails for 2023, 2024 and 2025 and before any equipment, facilities or materials are brought onto the site a lighting and noise assessment shall be submitted to and approved in writing by the Local Planning Authority. Any measures identified in the updated approved Noise and Lighting Assessments shall be implemented for the duration of the event including the set up and dismantling of the event.

Reason: To ensure that the proposal would not affect the biodiversity of the area and the amenities of the adjacent neighbouring properties are protected and to comply with Policies EE2 and EE9 of the Runnymede 2030 Local Plan and guidance in within the NPPF.

10) Details of Noise Barrier

Prior to the commencement of the installation of the proposed trails for 2023, 2024 and 2025 and before any equipment, facilities or materials are brought onto the site details of the location and extent of any noise barrier or mitigation methods as outlined in a submitted Noise Assessment shall be submitted to and approved in writing by the Local Planning Authority and these measures shall be installed for the duration of event.

Reason: To ensure that the proposal would not affect the amenities of the adjacent neighbouring properties and to comply with Policies EE2 and EE9 of the Runnymede 2030 Local Plan and guidance in the NPPF.

Informatives:

1 Summary of Reasons to Grant Consent

The decision has been taken in compliance with the requirement in the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

2 Traffic Management Proposals

The applicant is advised that any traffic management proposals located on the public Highway, including the signage mentioned within the TS&TMP, required for the event will require the prior approval of the Highway Authority. The applicant should contact the Transport Development Planning Team at Surrey County Council for further advice and assistance on tdprunnymede@surreycc.gov.uk