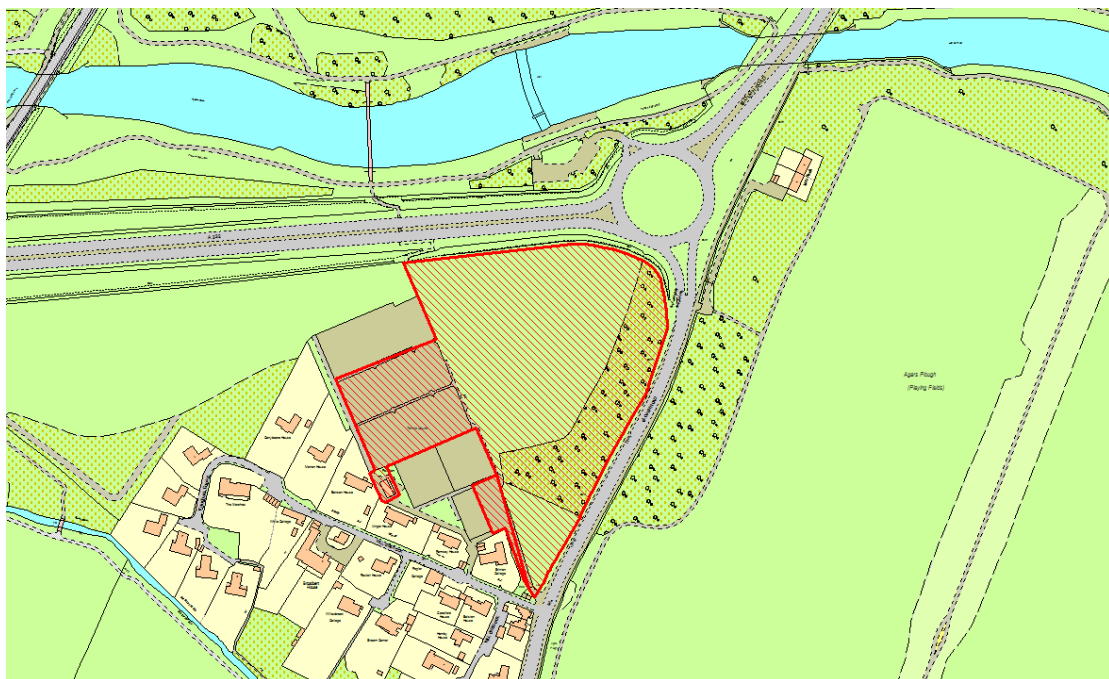


Registration Date:	26-Aug-2016	Application No:	P/02823/003
Officer:	Christian Morrone	Ward:	Chalvey
Applicant:	Mr. Duncan Sparks, Lewandowski Architects Ltd	Application Type:	Major
Agent:	N/A	13 Week Date:	25 November 2016
Location:	Sports Pavilion, Eton College, Willowbrook, Eton, SL4 6HL		
Proposal:	Demolition of existing tennis pavilion. Construction of a detached sports pavilion and 2no floodlight all weather sports pitches. Flood lighting to existing tennis courts. Associated car parking, highway access, and landscaping and a small shed for IT switch gear.		

Recommendation: Delegate to Planning Manager for approval



P/02823/003

1.0 SUMMARY OF RECOMMENDATION

- 1.1 Delegate the planning application to the Planning Manager for approval; subject to any substantive objections from the Contaminated Land Officer, the Crime Prevention Officer, the Environment Agency, the Secretary of State, the potential completion of a Section 106 Agreement for highways works (if required) and finalising conditions.
- 1.2 This application is to be determined by the Planning Committee as it is a major development.

PART A: BACKGROUND

2.0 Proposal

- 2.1 Planning permission is sought for the demolition of existing tennis pavilion and construction of a detached sports pavilion and 2no floodlit all weather sports pitches. Flood lighting is also proposed to existing tennis courts. Associated car parking, highway access, landscaping and a small shed for IT switch gear.

3.0 Application Site

- 3.1 The site is located within the Green Belt and positioned to the northeast of Willowbrook, off the Slough Road. The site forms part of Eton College and the current use is tennis courts and green space/scrub land. To the west the site is bounded by detached dwellings used in association with Eton College, to the north is the A332 which is elevated and screened by trees.

4.0 Site History

- 4.1 P/02823/002 RE-ALIGNMENT AND REFURBISHMENT OF EXISTING TENNIS COURTS WITH NEW CHAIN LINK FENCING.
Approved with Conditions; Informatives 17-Jan-2013
- P/02823/001 ERECTION OF A BUILDING FOR THE PLAYING OF REAL TENNIS WITH ANCILLARY FLAT AND CAR PARKING
Withdrawn by Applicant 27-Feb-2001

5.0 Neighbour Notification

- 5.1 1 Agars Plough, Slough Road, Eton, Windsor, Berkshire, SL4 6HR, 6 Vaughan Copse, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, Rowlatt House, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, Balston House, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, Goodford House, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, 5, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, 6, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, 1, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, 2, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, 4, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, 3 The Marches, Willowbrook,

Eton, Windsor, Berkshire, SL4 6HL, 4 The Marches, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, 5 The Marches, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, Hornby House, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, 1 The Marches, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, 2 The Marches, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, Broadbent Cottage, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, Marten House, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, Ramsay House, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, Stream Corner, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, 2 Vaughan Copse, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, Poplar Cottage, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, 1 Vaughan Copse, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, 3 Vaughan Copse, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, 4 Vaughan Copse, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, 3, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, Brinton Cottage, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, WILLOWBROOK COTTAGE, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, Ainger House, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, Coneybeare House, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, 5 Vaughan Copse, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, 7, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, White Cottage, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, Benson House, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, 1 Broadbent House, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, 2 Broadbent House, Willowbrook, Eton, Windsor, Berkshire, SL4 6HL, 1a, Willowbrook, Eton, Windsor, SL4 6HL

Neighbour letters were sent out on 05/09/2016. In accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the application was advertised in the 16th September 2016 edition of The Slough Express Major Application and Affects a Public Right of Way (33B)). A site notice has also been displayed at the site on 9th November 2016.

No third party comments have been received from occupiers of neighbouring properties.

6.0 **Consultations**

6.1 Contaminated Land Officer

No comments received. Any comments received will be reported on the amendment sheet

6.2 Local Flood Authority

The proposed development is:

- Located within flood zone 2.
- Classified as “water compatible” by the National Planning Policy Framework (NPPF)

In accordance with National Planning Policy Framework paragraph 103 a site specific flood risk assessment has been submitted with the planning application. Given the nature and location of the proposed development the sequential test has been satisfied because it would be impractical to direct the development elsewhere.

The applicant has chosen to mitigate the risk of flooding to the property by setting floor levels 300mm above the known or modelled 1 in 100 annual probability river flood (1%) plus 20% for climate change in any year.

In terms of fluvial flood risk the application is considered acceptable on the condition that the Eton College Management Plan, demonstrating the evacuation procedures for the site, is submitted for approval by Slough Borough Council. Whilst the application is acceptable it would be prudent to include flood proofing and resilience techniques as specified by 'improving the flood performance of new buildings' CLG (2007).

6.3 Crime Prevention Design Advisor

No comments received. Any comments received will be reported on the amendment sheet

6.4 Sport England

Strategic/Local Need for the Facility

The facilities are proposed primarily to enhance Eton College's sports facilities. The College has stated in its application that it will allow the community to use its facilities, recognising that to ensure their long term viability, hiring the pitch out will help the school to replace the surface of the facility when required in the future.

The draft Royal Borough of Windsor & Maidenhead considers that the Borough is adequately provided for with regards to AGPs suitable for hockey matches at present. Pitch quality is of greater concern than supply and consideration must be given to the replacement of some surfaces which exhibit areas of damage and are at the end of the recommended lifespan or beyond. As the proposed facility is offering some community use in addition to a school use it will help safeguard the future viability of the pitch, noted as an issue with the quality of some existing private school pitches in the RBWM PPS.

Slough has no up-to-date Playing Pitch Strategy to advise on the need for artificial grass pitches in the local area. Sport England has used its strategic planning tools (Facility Planning Model National Run 2016) to assess the current supply and demand for artificial grass pitches which indicates that there is demand for an additional hockey pitch in Slough, albeit this may not be sufficient to support 2 additional pitches. Nb. This conclusion assumes that Active Places Power database is up to date and correct and takes no account of planned changes in supply (e.g. recent facility closures) or demand (e.g. population growth).

There is therefore some additional need in Slough for a hockey facility that these pitches could meet.

Facility Design

Sport England seeks to ensure the new sports facilities are fit for purpose. The details submitted with the application do not detail how the design of the artificial pitches was reached to meet the needs of sport. Sport England requires further details of the following (or signposting to where this information is within the document packages available from the Council's website);

- Surface of the proposed artificial grass pitches
- Cross section showing pitch profile (also is a shock pad proposed)
- Pitch markings including sufficient run-off

Sport England seeks to ensure the new sports facilities are fit for purpose. Sport England's design guidance; Artificial Surfaces for Outdoor Sport and Comparative sizes of pitches and courts (outdoor) are relevant to this proposal.

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

Availability for Community Sport

The college has indicated that it will allow community use of its new facilities. Subject to the satisfactory establishment of a Community Use Agreement through the condition identified below, Sport England is satisfied that the proposed artificial pitches and tennis courts will deliver benefits to community sport identified above.

'Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the artificial pitches and ancillary facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.'

*Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy **.*

Informative: Guidance on preparing Community Use Agreements is available from Sport England www.sportengland.org.'

The Proposal and Assessment against Sport England's Objectives and the NPPF

It would appear that the proposed development would result in an improved level of sport and recreation provision in the area, thus meeting Objective 3 of Sport England's planning policy. However, it is recommended that the Council request further information regarding the design of the hockey pitches.

The proposed use of these new facilities by the community means that the proposals have the potential to meet Objective 2 of Sport England's policy which states made of existing sports facilities through improving their quality, access and management, subject to the imposition of the above condition.

Conclusion

This being the case, Sport England does not object to this application, as it is considered to meet Objective 2 and 3 as set out above subject to the attachment of the community use condition set out above.

Sport England may be willing to lend its support to this application if further detail is provided that confirms the facility will be designed in accordance with our design guidance notes.

The absence of an objection to this application in the context of the Town and Country Planning Act, does not in any way commit Sport England or any National Governing Body of Sport to support for any related funding application.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

Officer Response: The issues raised by Sport England can be resolved by appropriately worded planning conditions to any approval.

6.5 Natural England

Natural England has no comments to make on this application.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

Registered Common Land:

The proposal is sited on an area of land that is registered common land. This is covered by the Commons Act 2006 and will have rights of access by the public. As such, if the Planning Application is granted, the applicant will also be required to apply to the Secretary of State for consent under the Commons Act 2006. The applicant may apply under s16 or s38 of that Act, depending on their proposal.

Officer Response: the applicant has been can be made aware the land is registered common land, and this can be published as an informative on the decision notice.

6.6 Berkshire Archaeology

No information is provided with this application assessing its impact on the historic environment and the buried archaeological heritage. This application covers a large area (3.7ha) of largely undeveloped, open land. The development proposal provides for the erection of a new sports pavilion, the creation of new all-weather sports pitches and associated car parking, drainage and landscaping, the construction of all of which has the potential to impact on buried archaeological remains. The proposed development lies in an area of high archaeological potential as evidenced by Berkshire Archaeology's Historic Environment Record (HER). The site falls within the archaeologically rich Middle Thames Valley where there is widespread and extensive evidence for prehistoric, Roman, Saxon and medieval settlement and agriculture on the river gravel terraces. For example a Mid to Late Iron Age and Roman (500 BC – AD 200) settlement is known at Agars Plough Playing Fields, 500m to the east of the application site while Late Iron Age and Roman settlements are recorded at Riding Court Farm and Castleview Road, further to the east of the site.

A crop mark enclosure and ring ditches, almost certainly indicating the site of buried remains, are recorded at North Field, between the railway line and the A332. Highly significant prehistoric remains are known at Eton Wick, where crop marks, geophysical survey and exploratory excavations have identified a rare Neolithic causewayed enclosure, dating to the third millennium BC. Such enclosures represent the earliest known enclosures of space in Britain and some of its earliest prehistoric monuments. Crop marks and geophysical survey have shown that the other important prehistoric features lie to the east of the causewayed enclosure and include a possible mortuary enclosure, ring ditches and other enclosures. These known sites demonstrate the evidence for widespread ancient settlement, monuments and agriculture close to the application site and other similar evidence lies elsewhere in the Thames Valley to the east and west.

Therefore, in view of the scale of the proposed development, the archaeological potential of the wider area and the potential impacts of development, Berkshire Archaeology advise that the applicant provides further information on the historic environment aspects of this proposal before the application is determined. This is in accordance with Paragraph 128 of the NPPF which states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting...Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

Paragraph 129 of the NPPF goes on to state that:

'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal...taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal'.

Historic England's Good Practice Advice on Managing the Historic Environment - Note 2 states (paragraphs 30 and 31) that some heritage assets *'will currently hold only archaeological interest, in that nothing substantial may be known about the site and yet there is a credible expectation that investigation may yield something of strong enough interest to justify some level of protection. For sites with archaeological interest, whether designated or not, the benefits of conserving them are a material consideration when considering planning applications for development'.*

The further information required should, in the first instance, take the form of an historic environment desk-based assessment, with particular emphasis on an assessment of the site's archaeological potential and an assessment of the potential impacts of the proposals. The results of the desk-based assessment will guide the need for further information through field survey, for example non-intrusive geophysical survey, as part of the assessment process. This will enable the potential archaeological impacts of the proposed development to be better understood prior to determination of the planning application in accordance with the principles of the NPPF.

Berkshire Archaeology would be pleased to discuss the scope of the assessment with the applicant's archaeological consultants if that was helpful.

If the Council is not minded to follow Berkshire Archaeology's advice, we would strongly recommend that, should the proposal be permitted, a condition is attached requiring a phased programme of archaeological investigation.

Officer Response: It would be appropriate to require further information by a pre-commencement condition.

6.7 Council's Tree Officer

The application site contains two main types of tree cover in two areas, other parts are rough pasture or overgrown with bramble. To the centre of the site is an area of trees which are equal aged and recently planted the area is mainly of the species of Hawthorn Pine, Willow, Maple and Birch. These are too small to be included in the tree survey but do contribute the area and will do so more as they mature. However, it is not recommended in the BS 5837 to consider these as a restriction to development, though I would consider their collective loss is of some significance. The more mature tree cover forms a woodland area on Slough Road side of the site and joins with more spread out individuals to the south of the site. Many of these mature trees are in poor condition and some trees, the Norway spruce and Leyland Cypress for example are not in keeping with the rest of the deciduous wooded area. The largest trees in the woodland are Black Poplars these are mostly in decline and some have collapsed. These poplars despite being of great value visually and in habitat terms are very short life expectancy and therefore not of high value as individual specimens.

It is proposed to enable the development to remove some of the Large Poplars from W1, other mature trees, and the majority of the area of recently planted trees. In addition to this some trees will have small parts of their RPA disturbed by new surfacing and all retained trees are under threat for the process of development.

Removal of the large poplars – these trees are in the process of decline and have a short life expectancy, their removal either by collapse or felling is a likely event and thus the loss of these trees will happen regardless of the proposed development. I would also note that some of the retained poplars will have more traffic, within their target zone (area in which the tree, or part of the tree, could strike as person or property) if the development is realised. This will undoubtedly result in more remedial work being required to these trees to ensure the risk of damage is kept to an acceptable level. Though this will probably involve the reducing of all or parts of the tree and so the impressive appearance of the trees, it also could result in prolonging their retention on the site.

Tree removal of the other mature trees - this is undesirable, though I would note that a substantial number of the trees to be removed are not in good condition or are not suited to the site, however the tree loss needs to be mitigated. I consider the proposed landscape scheme could give suitable replacements for these trees' loss in the long term.

The loss of the future amenity to the area of small new planting is in part mitigated by new planting but as there is such a large area of this I would not be satisfied that it is possible to

completely mitigate the loss of these trees with planting within the site. According it is only the value of the development to the area which can off set the loss of the amenity of these trees; I cannot see an arboricultural measure that will replace the loss of the future amenity of these trees. Further I would note that because the loss of such small trees is not recommended in BS 5837 as a restriction to be considered in an arboricultural assessment of a development site, this is not mentioned in the tree reports submitted with the application.

The threat to the retained trees posed by the process of development can be prevented by the implementation of the tree protection measures proposed in the Arboricultural Method Statement which supports the application. I would recommend that these are secured by a condition.

6.8 Royal Borough of Windsor and Maidenhead

No objections to this application

6.9 Environment Agency

No comments received. Any comments received will be reported on the amendment sheet

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

7.1 The application is considered alongside the following policies:

National guidance

- National Planning Policy Framework (NPPF) and the Planning Policy Guidance.

The NPPF states that unless material considerations dictate otherwise development proposals that accord with the development plan should be approved without delay. That planning should not act as an impediment to sustainable growth and should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. It also states that high quality design should be secured and a good standard of amenity for all existing and future occupants of land and buildings. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Local Planning Authority has published a self assessment of the Consistency of the Slough Local Development Plan with the National Planning Policy Framework using the

PAS NPPF Checklist.

The detailed Self Assessment undertaken identifies that the above policies are generally in conformity with the National Planning Policy Framework. The policies that form the Slough Local Development Plan are to be applied in conjunction with a statement of intent with regard to the presumption in favour of sustainable development.

It was agreed at Planning Committee in October 2012 that it was not necessary to carry out a full scale review of Slough's Development Plan at present, and that instead the parts of the current adopted Development Plan or Slough should all be republished in a single 'Composite Development Plan' for Slough. The Planning Committee endorsed the use of this Composite Local Plan for Slough in July 2013.

7.2 Relevant Planning Policies:

National Planning Policy Framework 2012

- Core Policies: Achieving Sustainable Development
- Chapter 4: Promoting sustainable transport
- Chapter 7: Requiring good design
- Chapter 8: Promoting healthy communities
- Chapter 9: Protecting Green Belt land

Local Development Framework, Core Strategy 2006-2026, Development Plan Document

- Core Policy 1 (Spatial Vision and Strategic Objectives for Slough)
- Core Policy 5 (Employment)
- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability & the Environment)
- Core Policy 9 (Natural, Built, and Historic Environment)
- Core Policy 10 (Infrastructure)
- Core Policy 11 (Social Cohesiveness)

Adopted Local Plan for Slough

- EN1 (Standard of Design)
- OCS13 (Floodlighting)

7.3 The main planning considerations for this proposal are:

- The Principle of Development
- Impact on the Character of the Area
- Impacts on Residential Amenities
- Traffic and Highways Issues
- Impact on Trees
- Biodiversity and Compliance with Habitat Regulations 2010
- Crime Prevention
- Archaeology
- Loss of Open Green Space
- Flooding
- Contaminated Land

8.0 **Principle of the Development**

8.1 The site is located within the Green Belt outside any defined settlement area. Within the Green Belt there is a general presumption against inappropriate development which is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 89 of the NPPF sets out that the construction of new buildings should be regarded as inappropriate development, exceptions to this include:

- Buildings for agriculture and forestry;
- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 90 of the NPPF sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve openness and do not conflict with the purposes of including land within it, these are:

- Mineral extraction;
- Engineering operations;
- Local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- The re-use of buildings provided that the buildings are of permanent and substantial construction; and
- Development brought forward under a Community Right to Build Order.

Very special circumstances must exist to justify setting aside the policies of restraint. Local planning authorities are required to give substantial weight to any harm which might be caused to the Green Belt by the inappropriate development.

8.2 The Framework provides that development within the Green Belt is inappropriate unless, amongst other things, it relates to the appropriate provision for outdoor sport that would preserve the openness of the Green Belt. The proposal would be used as a sporting facility, which can be secured by condition.

8.3 The proposal relates to the provision of additional and improved sports facilities in association with Eton College, and therefore relates to the provision of appropriate facilities for outdoor sport and outdoor recreation. However, as the proposed flood lighting columns, fencing, and larger pavilion building would have a significant impact on the openness of the

Green Belt, the proposal would be inappropriate development in the Green Belt. In line with the NPPF very special circumstances (VSC) must exist to justify setting aside the policies of restraint

8.4 In assessing very special circumstances Local Planning Authorities must ask three separate sequential questions when applying Green Belt policy:

1. Is 'inappropriate development' proposed?
2. Do 'very special circumstances' exist?
3. Do such circumstances 'clearly outweigh' the potential harm caused by the inappropriateness of the development and any other harm?

Assessment of Very Special Circumstances (VSC):

1. It has already been established the proposal would be inappropriate development. The harm caused is identified by the loss of openness within the Green Belt through the provision of flood lighting columns, fencing, and larger pavilion building flood lighting columns, fencing, and larger pavilion building
2. The VSC are identified as the wider community in terms of health and wellbeing; amenity; and social cohesiveness resulting from a sporting facility with access for members of the public.
3. There are existing sporting facilities within the site that already impact on openness. The loss of an area of openness would be within the existing site, and would predominantly be in the form of fencing, flood lighting and a larger single storey pavilion building, which would still retain a degree of openness. The provision of new and improved sporting facilities that would be accessible to the public holds wider benefits for the Borough in terms health and wellbeing; amenity; and social cohesiveness resulting from a sporting facility. In balancing the harm against the benefits, it is considered the benefits clearly outweigh the potential caused by the inappropriateness of the development.

8.5 Based on the above VSC, the principle of development is acceptable and would comply with Chapter 9 of the National Planning Policy Framework 2012.

9.0 **Impact on the Character of the Area**

9.1 The National Planning Policy Framework confirms the following:

“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people” (para 56).

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment” (Para61).

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions” (Para 64).

“Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal’s economic, social and environmental benefits.” (Para 65).

- 9.2 Core Policy 8 of the Core Strategy requires that, in terms of design, all development:
- a) Be of high quality design that is practical, attractive, safe, accessible and adaptable;
 - b) Respect its location and surroundings;
 - c) Provide appropriate public space, amenity space and landscaping as an integral part of the design; and
 - d) Be in accordance with the Spatial Strategy in terms of its height, scale, massing and architectural style.
- 9.3 Policy EN1 of the adopted Local Plan states that development proposals are required to reflect a high standard of design and must be compatible with and/ or improve their surroundings in terms of scale, height, massing/ bulk, layout, siting, building form and design, architectural style, materials, access points and servicing, visual impact, relationship to nearby properties, relationship to mature trees; and relationship to watercourses.
- 9.4 The application site is semi rural in character and comprises existing sport facilities for Eton College and green open space with mature trees varying in size and prominence. The surrounding area comprises the A355 slip road to the north, residential dwellings to the southwest, and the B3022 to the east.
- 9.5 The proposal would undoubtedly alter the character of the application site through the loss of natural landscaping giving way to numerous flood lighting columns, high level fencing, additional parking provision and a contemporary detached pavilion building. The illumination from the flood lighting would also have an impact on the character of the dark sky.
- 9.6 However, as justified above in regard to the impact on the openness of the Green Belt, the benefit is considered to outweigh the harm. The proposal would be used as a sporting facility accessible by members of the public, which can be secured by condition. This would benefit the wider community in terms of health and wellbeing; amenity; and social cohesiveness, and in this instance is considered to outweigh the harm caused to the character of the area. Landscaping, illumination time restrictions, and materials can be appropriately controlled by conditions to help mitigate the harm caused to the character.
- 9.7 Subject to appropriate conditions, the proposal would have an acceptable impact on the character of the surrounding area.

10.0 **Impact on Residential Amenities**

- 10.1 The National Planning Policy Framework outlines the following:

“Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should ... always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (Para 17).

- 10.2 Core Policy 8 states *“The design of all development within the existing residential areas should respect the amenities of adjoining occupiers and reflect the street scene and the local distinctiveness of the area ... Development shall not give rise to unacceptable levels of pollution including air pollution, dust, odour, artificial lighting or noise”.*
- 10.3 Policy EN1 of the Local Plan requires that *“Development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surroundings in terms of:*
- a) scale,*
 - b) height,*
 - c) massing/Bulk,*
 - d) layout,*
 - e) siting,*
 - f) building form and design,*
 - g) architectural style,*
 - h) materials,*
 - l) access points and servicing,*
 - j) visual impact,*
 - k) relationship to nearby properties,*
 - l) relationship to mature trees and*
 - m) relationship to water courses.*

These factors will be assessed in the context of each site and their immediate surroundings. Poor designs which are not in keeping with their surroundings and schemes which result in over-development of a site will be refused.”

- 10.4 There are a number of residential houses to west of the site which raises some concerns regarding noise disturbance and spillage/glare from the proposed floodlighting. The plans have since been revised to omit floodlights to the tennis courts closest to these dwellings. The accompanying lighting assessment shows there would no longer be any light spillage with the neighbouring garden areas. Furthermore, the flood lighting has been appropriately shielded from these dwellings.
- 10.5 The proposed hockey pitches and floodlighting would intensify the use particularly in the evenings where noise could become an issue for the occupiers of the neighbouring dwellings. In order to ensure there no unacceptable noise disturbances during unsocial and resting hours, a condition can be included to ensure the hockey pitches, tennis courts, and floodlights can only be used between the hours of 08:00 and 21:30 Mondays – Sundays (including bank holidays).
- 10.6 For the reasons set out above and subject to appropriate conditions, the proposal is considered not to have a detrimental impact on the living conditions of the existing occupants of the nearby residential properties and is considered to be in accordance with NPPF, Core Policy 8 and Local Plan Policy EN1.

11.0 **Traffic and Highways Issues**

- 11.1 The NPPF states that :

“Plans should protect and exploit opportunities for the use of sustainable transport modes

for the movement of goods or people. Therefore, developments should be located and designed where practical to

- *accommodate the efficient delivery of goods and supplies;*
- *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*
- *create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;*
- *incorporate facilities for charging plug-in and other ultra-low emission vehicles; and*
- *consider the needs of people with disabilities by all modes of transport.*

If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- *the accessibility of the development;*
- *the type, mix and use of development;*
- *the availability of and opportunities for public transport;*
- *local car ownership levels; and*
- *an overall need to reduce the use of high-emission vehicles.*

11.2 Core Policy 7 (Transport) seeks to ensure that all new developments are sustainable, located in accessible locations and hence reduces the need to travel. It requires that development proposals will, either individually or collectively, have to make appropriate provisions for:

- Reducing the need to travel;
- Widening travel choices and making travel by sustainable means of transport more attractive than the private car;
- Improving road safety; and
- Improving air quality and reducing the impact of travel upon the environment, in particular climate change.

11.3 Local Plan Policy T2 requires residential development to provide a level of parking appropriate to its location and overcome road safety problems while protecting the amenities of adjoining residents and the visual amenities of the area.

11.4 No comments as yet have been received from the Council's Highways Officer. The Case Officer has been made aware that highway works may be required to improve the vehicular access to the site. The Council are currently in negotiation with the Royal Borough of Windsor and Maidenhead as the Slough Road is within their borough. Any comments received will be reported on the amendment sheet

12.0 **Impact on Trees**

12.1 The NPPF states that planning permission should be refused for development resulting in the loss or deterioration of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development clearly outweigh the loss.

12.2 The Council's Tree Officer has assessed the proposed scheme and has commented that although there would be a loss of a number of trees which is regrettable, the larger mature trees are in poor health, and the smaller trees would not warrant protection due to the amenity value. The landscape strategy proposes acceptable mitigation through replacement trees. Subject to conditions to provide the replacement trees, and to control the construction phase to protect the remaining trees, the proposal would have an acceptable impact on

trees.

13.0 **Impact on Biodiversity**

13.1 The NPPF requires that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for then planning permission should be refused.

In addition, Circular 06/2005 states '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 planning permission is granted

13.2 Core Policy 9 seeks enhance and preserve natural habitats and the biodiversity of the Borough,

13.3 The application has been accompanied by an ecology study. The key issue is loss of woodland habitat and loss of 2 trees with bat roosts i.e. a protected species and priority habitats are affected. The study recommends mitigation of woodland loss through new habitat creation and mitigation of bat roost loss through replacement roosts etc. It also states a licence, from Natural England, will be needed before the relevant trees are/roosts are removed (poplar trees T1 and T4).

13.4 To comply with core policy 9 the details of the mitigation measures (i.e. woodland habitat loss and bat roost loss) will need to be submitted, approved and implemented by condition. The details will need to cover long term management of the measures. The licence will probably specify mitigation measures for the bat roost loss but the condition also needs to require measures in addition. In reality the measures will probably be the same i.e. the licence requirements will be submitted to the Council to clear the roost loss mitigation condition.

13.5 The woodland mitigation condition should take up the recommended management of retained woodland. This will provide an opportunity to enhance the ecological interest of the site long term which is also a core policy objective.

13.6 A further survey is also recommended (botany survey in Spring) to identify any protected flora and/or insects. This can also be required by condition.

13.7 Subject to appropriate conditions, the impact on biodiversity can be adequately mitigated. The proposal therefore complies with Core Policy 7 and the requirements of the NPPF 2012

14.0 **Design and Crime Prevention**

14.1 Policy EN5 of the adopted Local Plan states all development schemes should be designed so as to reduce the potential for criminal activity and anti-social behaviour.

14.2 No comments as yet have been received from the Police' Crime Prevention Officer. Any comments received will be reported on the amendment sheet

15.0 **Archaeology**

15.1 The NPPF sets out that, as a core principle, planning should take account of the different roles and character of different areas and heritage assets, in a manner appropriate to their significance should be conserved. In considering proposals for development involving ground disturbance within Sites and Areas of High Archaeological Potential,

15.2 The site has been identified to have potential archaeological implications with the proposed development. As such, it would be reasonable to provide appropriate conditions to any approval to ensure the any heritage asset is identified and preserved.

16.0 **Loss of green open space**

16.1 The site is not designated as public open space within the Local Plan. The site benefits from a public right of way that would not be lost through the proposed development, and therefore still provides public access. The site is registered as common land, for which would require an application under to the Secretary of State for consent under the Commons Act 2006 would be required.

16.2 As the site is not protected by planning policies, retaining the site as green open space would be unreasonable and very likely rejected if appealed. As such, the loss of the land as public amenity space would be acceptable.

17.0 **Flooding**

17.1 The site is located in a designate Flood Zone (2). Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Development should only be considered appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant.

17.2 The proposal has been assessed by the Local Flood Authority who has raised no objections subject to a condition submit an evacuation management plan, which can be included within an approval.

18.0 **Contaminated Land**

18.1 No comments as yet have been received from the Council's Land Contamination Officer. Any comments received will be reported on the amendment sheet

19.0 **PART C: RECOMMENDATION**

- 19.1 Delegate the planning application to the Planning Manager for approval; subject to any substantive objections from the Contaminated Land Officer, the Crime Prevention Officer, the Environment Agency, Secretary of State, the potential completion of a Section 106 Agreement for highways works (if required) and finalising conditions.

20.0 **PART D: LIST OF CONDITIONS AND INFORMATIVES (TBC)**

1. The development hereby permitted shall be commenced within three years from the date of this permission.

REASON To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority:

- Drawing No. PL 010; dated 08/2016; recd 26/08/2016
- Drawing No. PL 030; dated 21/03/2016; recd 26/08/2016
- Drawing No. PL 100; dated 08/2016; recd 26/08/2016
- Drawing No. PL 201 Rev 04; dated 08/2016; recd 26/08/2016
- Drawing No. PL 201 Rev 04; dated 08/2016; recd 26/08/2016
- Drawing No. PL 300 Rev 03; dated 10/2016; recd 23/10/2016
- Drawing No. PL 400; dated 27/07/2016; recd 26/08/2016

REASON To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area and to comply with the policies in The Local Plan for Slough 2004.

3. No development shall commence until a written scheme of archaeological investigation (to include the scheme and a time scale for the investigation) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

REASON To ensure that any archaeological remains are properly recorded and to comply with the NPPF 2012.

4. Samples of external materials (including reference to manufacturer and specification details) to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site and the development shall be carried out in accordance with the details approved.

REASON To ensure a satisfactory appearance of the development so as not to

prejudice the visual amenity of the locality in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

5. Samples of external materials (including reference to manufacturer and specification details) to be used in the construction of the access road, pathways and communal areas within the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site and the development shall be carried out in accordance with the details approved.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Policy EN1 of The Local Adopted Plan for Slough 2004.

6. Trees identified as T1 and T4 as identified within the submitted Bat Survey – Emergence and Activity Surveys dated 15/08/2016, rec'd 26/08/2016 shall not be felled topped or lopped until the Local Planning Authority has been provided with either (1) a licence issued by the relevant authority pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorizing bat roosts in the trees can be disturbed or (2) a statement from the relevant licensing authority to the effect that it does not consider that felling topping or lopping of the trees will require a licence.

Reason. In the interest of biodiversity in particular conserving a protected species and its habitats and not causing harm to the protected species identified in the Ecology report submitted with the planning application, in accordance with the Slough adopted Core Strategy 2006-2026 Development Plan policy 9 and the requirements of the NPPF 2012.

7. Trees identified as T1 and T4 as identified within the submitted Bat Survey – Emergence and Activity Surveys dated 15/08/2016, rec'd 26/08/2016 shall not be felled topped or lopped until a bat roost mitigation scheme has been implemented in accordance with a scheme that has first been submitted to and been approved in writing by the Local Planning Authority. The approved mitigation scheme shall be retained and maintained thereafter.

REASON In the interest of biodiversity in particular providing places for bats, a protected species, to roost, in accordance with the Slough adopted Core Strategy 2006-2026 Development Plan policy 9 and the requirements of the NPPF 2012.

8. Prior to the commencement of development within the grassed scrub and woodland part of the site until a survey of grassland, scrub and woodland groundflora for invertebrates along with any recommendations for mitigation shall be submitted to and approved in writing by the Local Planning Authority.

REASON In the interest of mitigating ecological impact of the development and in the interest of enhancing the biodiversity of the site in accordance with the Slough adopted Core Strategy 2006-2026 Development Plan policy 9 and the requirements of the NPPF 2012.

9. The use of the development hereby approved shall not commence until a community use

agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the artificial pitches and ancillary facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities that outweighs the harm imposed of the openness of the Green Belt and the character of the area, in accordance with Core Policy 8 of the adopted Core Strategy, Policy EN1 of the adopted Local Plan, and the requirements of the NPPF 2012.

10. Prior to commencement of the development of the hockey pitches hereby approved details of the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) Surface of the proposed artificial grass pitches
- b) Cross section showing pitch profile (also is a shock pad proposed)
- c) Pitch markings including sufficient run-off

REASON: To ensure the facility is fit for outdoor sport and is therefore appropriate development within the Green Belt in accordance with paragraph 89 of the NPPF 2012

11. Prior to first occupation, a flood evacuation management plan, demonstrating the evacuation procedures for the site, shall be submitted and approved in writing by the Local Planning Authority. The recommendations within the approved plan shall be implemented prior to first occupation and retained thereafter. .

REASON: To ensure the flood risk is appropriately managed in accordance with the requirements of the NPPF 2012,

12. The development hereby approved and the construction phase shall be carried out in strict accordance with the submitted Arboricultural Development Report by Arbtech Consulting Limited dated 26/09/2016, received 23/10/2016, and the following drawings:

- a) Arbtech TPP 01 Rev A; dated 026/09/2016; rec'd 23/10/2016
- b) Arbtech AIA 01; dated 026/09/2016; rec'd 23/10/2016

REASON To protect the amenity value of the retained trees, in accordance with Core Policy 8 and 9 of the Local Development Framework, Core Strategy 2006-2026, Development Plan Document

13. The tree replacement and landscaping scheme shall be carried out in strict accordance with Section 7 of the submitted Landscape Report by Bowles & Wyer; dated 14/08/2016 received 26/10/2016, and the following drawings:

- a) Drawing No. 2128-11-01 Rev C; dated 026/09/2016; rec'd 23/10/2016
- b) Drawing No. 2128-11-02 Rev C; dated 026/09/2016; rec'd 23/10/2016

REASON To mitigate the loss of trees and landscaping In the interest of amenity of the area and, in accordance with Core Policy 8 and 9 of the Local Development Framework, Core Strategy 2006-2026, Development Plan Document

14. The floodlighting shall be implemented in strict accordance with the submitted lighting details by Christy Floodlighting (4 pages) received 26/08/2016 – To be revised before approval and thereafter used in compliance with the details hereby approved, and maintained to the satisfaction of the Local Planning Authority

REASON To protect the amenity of residents within the vicinity of the site, and in the interest of the character of the dark sky, in accordance with Core Policy 8 of the Local Development Framework, Core Strategy 2006-2026, Development Plan Document

15. The external hockey pitches hereby permitted shall not be in use outside the hours of 21:30 hours to 08:00 hours on Mondays – Fridays (including Bank Holidays).

REASON To protect the amenity of residents within the vicinity of the site in accordance with Core Policy 8 of the Local Development Framework, Core Strategy 2006-2026, Development Plan Document

16. The lighting hereby permitted shall not be illuminated between the hours of 21:30 hours to 08:00 hours on Mondays – Fridays (including Bank Holidays).

REASON To protect the amenity of residents within the vicinity of the site, and in the interest of the character of the dark sky, in accordance with Core Policy 8 of the Local Development Framework, Core Strategy 2006-2026, Development Plan Document

17. The land outlined in red as shown on Drawing No. PL 100; dated 08/2016; recd 26/08/2016 shall be used for outdoor sport only and for no other purpose (including any other purpose in any Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, and in any provision equivalent to the Class in any statutory instrument revoking or re-enacting that order.

REASON: To ensure the facility is used for outdoor sport and is therefore appropriate development within the Green Belt in accordance with paragraph 89 of the NPPF 2012

18. The pavilion building hereby approved as shown on Drawing No. PL 100; dated 08/2016; recd 26/08/2016 shall be used for the provision of outdoor sport only and for no other purpose (including any other purpose in any Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, and in any provision equivalent to the Class in any statutory instrument revoking or re-enacting that order.

REASON: To ensure the facility is used for outdoor sport and is therefore appropriate development within the Green Belt in accordance with paragraph 89 of the NPPF 2012

19. Notwithstanding the terms and provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no further buildings or enclosures shall be erected constructed or placed on the site without the express permission of the Local Planning Authority

REASON: To retain and control the openness of the Green Belt in accordance with paragraph 89 of the NPPF 2012

INFORMATIVE(S):

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.
2. The development must be designed and constructed to ensure that surface water from the development does not drain onto the highway or into the highway drainage system.
3. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding, skip or any other device or apparatus for which a licence must be sought from the Highway Authority.
4. This permission shall not be deemed to confer any right to obstruct the Public Right of Way crossing or abutting the site which shall be kept open and unobstructed until legally stopped up or diverted under section 257 of the Town and Country Planning Act 1990.
5. During the construction phase of the development hereby permitted, there shall be no deliveries to the site outside the hours of 08.00 hours to 18.00 hours Mondays - Fridays, 08.00 hours - 13.00 hours on Saturdays and at no time on Sundays and Bank/Public Holidays.
6. Guidance on preparing Community Use Agreements is available from Sport England www.sportengland.org
7. Sport England's design guidance; Artificial Surfaces for Outdoor Sport and Comparative sizes of pitches and courts (outdoor) are relevant to this proposal. <http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>
8. The proposal is sited on an area of land that is registered common land. This is covered by the Commons Act 2006 and will have rights of access by the public. As such, if the Planning Application is granted, the applicant will also be required to apply to the Secretary of State for consent under the Commons Act 2006. The applicant may apply under s16 or s38 of that Act, depending on their proposal.