

## WINDSOR URBAN DEVELOPMENT CONTROL PANEL

26 April 2017

Item: 2

<b>Application No.:</b>	17/00406/FULL
<b>Location:</b>	Trevelyan Middle School Wood Close Windsor SL4 3LL
<b>Proposal:</b>	Removal of existing hard surfaced playing areas, replacement and extension of hard surfacing, with associated floodlighting and fencing.
<b>Applicant:</b>	Ms Wardle
<b>Agent:</b>	Mr Richard Stern
<b>Parish/Ward:</b>	Windsor Unparished/Park Ward

**If you have a question about this report, please contact:** Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk

### 1. SUMMARY

- 1.1 The application relates to the replacement of the existing 3 outdoor tennis courts and the multi use games area with 1 new tennis court and 4 new multi use games areas (for tennis / netball) at Trevelyan Middle School, Windsor. The proposal also includes the erection of a new 3 metre high fence around the perimeter of the games area and 11 new floodlighting columns in place of the existing 6 lighting posts. The new hardstanding will encroach further onto playing field land than the existing hardstanding, however, the facility will not impact on any existing sports pitches or the future potential to site additional sports pitches. They will also be available to the community and for this reason it is considered reasonable to secure a 'Community Use Agreement'.
- 1.2 The application site is partially within flood zone 3, which is an area considered to be at high risk from flooding. A flood risk assessment has been submitted with the application. The Environment Agency has been consulted on the application and subject to conditions does not object to the proposal.
- 1.3 The floodlighting columns are set away from neighbouring residents to prevent any significant nuisance being caused. Details have been submitted with the application which shows the direction of the lighting and the proposed levels of illuminance.
- 1.4 The school has sufficient on site parking to accommodate any likely increase in visitors to the school as a result of the new facilities if they are used by the community.
- 1.5 The recommendation is:

To grant planning permission on the satisfactory completion of a Section 106 undertaking to secure a Community Use Agreement to ensure that the new facilities are made available for community use and the conditions listed in Section 9 of this Report.

To refuse planning permission if a Section 106 undertaking to secure a Community Use Agreement to ensure that the new facilities are made available for community use is not completed by 12<sup>th</sup> May 2017 on the grounds that the proposal would not provide for better provision for sports use.

### 2. REASON FOR PANEL DETERMINATION

- As the Council owns land at the application site.

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 Trevelyan School can be accessed from both Bourne Avenue and Wood Close in Windsor and is set within a largely residential area. The existing tennis courts and multi use games area is to the west of the site and this area is located partially within Flood Zone 3, which is an area considered to be at high risk of flooding.

#### 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application relates to the replacement of the existing outdoor tennis courts and multi use games area with 1 new tennis court and 4 multi use games courts (tennis / netball). The proposal also includes the erection of a new 3 high metre fence around the perimeter of the games area and 11 new floodlighting columns.
- 4.2 There have also been a number of other approved applications at the school for new class rooms and extensions to the existing school buildings but the most relevant applications are set out below:

Ref.	Description	Decision
97/76310/FULL	To convert a grass verge running along the perimeter of the school into additional hardstanding parking spaces.	Permitted 28.01.1998
01/81302/FULL	Construction of new hard play area with 3.5m high ball screen fence.	Permitted 31.12.2001

#### 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections:

1. 8 – Promoting healthy communities
2. 10 – Meeting the challenge of climate change

##### Royal Borough Local Plan

- 5.2 The main strategic planning considerations applying to the site and the associated policies are:

Within settlement area	Highways and Parking	Flooding	Impact on residential amenity
DG1	P4, T5	F1	NAP3

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

##### Supplementary planning documents

- 5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 2004

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

##### Other Local Strategies or Publications

- 5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy – view at:

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i The principle of development
- ii The impact on flooding
- iii The impact on residential amenity
- iv The impact on parking.

### **The principle of development**

6.2 The proposal is to remove the existing hardstanding which comprises of 3 tennis courts and a multi use games area and replace this with a new tennis court and 4 multi use games areas for use for netball and tennis. The new games areas will be constructed using porous macadam and will include upgraded drainage, updated fencing, updated flood lights and new goals posts and markings. The overall increase in hardstanding is 1086sqm and it is proposed to erect a 3 metre high weldmesh fence around the perimeter.

6.3 The applicant has advised that the existing outdoor court areas require upgrading/refurbishment to meet their demands for both curricular and extra curricular use. Currently the facilities are used by sports clubs and the wider community but the poor condition of the courts and the inadequate lighting restricts the use of the courts in the winter months. The school has submitted a successful 'Inspired Facilities' bid to Sport England to help fund the works. The existing courts are used at the following times which are to remain unchanged:

#### Term Time

1. School: 8.30am – 5pm, Monday to Friday
2. Community: 5pm – 10pm, Monday to Friday & 9am – 5pm at weekends

#### Holidays

1. 8am – 10pm, Monday to Friday
2. 9am – 5pm at weekends

6.4 The NPPF (at paragraphs 69 and 73) is supportive of delivering recreational facilities and providing community facilities which make an important contribution to the health and well-being of communities. Paragraph 74 of the NPPF aims to protect existing playing field land. Sport England has advised that some of the playing field land that will be lost as a result of the proposal is incapable of forming, or forming part of, a playing pitch. The loss of this playing field land would also not result in the loss of, or inability to make use of any existing playing pitch. In addition the proposed facilities meet Sports England's specifications and represent a qualitative improvement on the existing hard court provision at the site. To ensure that the facilities are secured for the use of the community as part of the health and well-being agenda advocated by national planning policy and to justify the loss of part of the playing field albeit currently used for informal use, it is recommended that the applicant enters into a Community Use Agreement secured through a Unilateral Undertaking legal agreement. The benefits of these proposed facilities and the Community Use Agreement therefore outweigh any detriment caused by the loss of part of the playing field. It is for these above reasons that Sport England do not object to the proposal. The proposals comply with the NPPF.

### **The impact on flooding**

6.5 The application site is partially within flood zone 3, which is an area considered to be at high risk from flooding. The new hardstanding increases the ground covered area by approximately 1086sqm, however, the majority of this is outside of flood zone 3 (see appendix C for the flood maps). The facilities could not be provided in full outside the flood zones without impacting on

other parts of the school's facilities and therefore the sequential assessment is passed. Given the vulnerability classification of the development there is not a requirement to pass the exceptions test.

- 6.6 The ground levels are not being altered and the proposed fencing is open and as such will not impede or displace flood water. A condition (condition 3) is recommended to ensure that the tennis courts could not be enclosed in the future in order to allow flood waters to pass through the structure in the event of a flood. In terms of surface water run off, this will be managed through the use of porous materials which is covered by recommended condition 4 which relates to the drainage strategy.

#### **The impact on residential amenity**

- 6.7 Replacement floodlighting is proposed as part of the development and this consists of 11 x 10 metre tall columns. The 'Outdoor Tennis LED Lighting Design' document submitted with the application shows the direction and illuminance levels of the lighting which has been designed to minimise light spill and glare to neighbouring properties. The closest residential property is over 50 metres away and as such it is not considered that there will be any significant nuisance caused to neighbouring residential properties as a result of light intrusion. The existing games areas are available for use by the public. These hours have been conditioned to prevent any increased noise or disturbance to neighbouring properties. (Condition 6)

#### **The impact on parking**

- 6.8 The application site currently accommodates 43 car parking spaces off of Wood Close and 83 spaces off of St Leonards Road in addition to vehicle parking within the centre of the site. The application seeks to provide an additional tennis court/games area and it is estimated that this has the potential to generate 3 to 4 additional vehicles per match. This small increase can easily be accommodated within the existing car parks provided within the school site. It is also unlikely that the additional vehicle movements would have a detrimental impact on the local highway network.

### **7. CONSULTATIONS CARRIED OUT**

#### **Comments from interested parties**

5 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on the 14<sup>th</sup> February 2017. No letters were received in response to this consultation.

#### **Other consultees**

Consultee	Comment	Where in the report this is considered
Highways	No objection subject to conditions.	Paragraph 6.8

#### **Statutory consultees**

Consultee	Comment	Where in the report this is considered
Environment Agency	No objections subject to conditions.	Paragraphs 6.4 to 6.6
Sport England	No objections	Paragraphs 6.2, 6.3 and 6.4
Environmental Protection	No comments received at the time of writing this report	To be reported in the Update Report.

## 8. APPENDICES TO THIS REPORT

1. Appendix A – Site location plan and site layout
2. Appendix B – Plan and elevation drawings

## 9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 Irrespective of the provisions of s55 of the Town & Country Planning Act 1990 (as amended) and Parts 2,7 and 12 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Act and Order with or without modification) no infilling horizontally or vertically of the means of enclosure around the hardsurfaced area as shown on the approved plans shall be carried out without permission first being obtained in writing by the Local Planning Authority.  
Reason: To ensure than no solid means of enclosure is erected that could impede or displace flood water which would increase flood risk elsewhere. Relevant Policies - Local Plan: F1
- 4 In addition to condition 3 (Above), the development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Strategy Ref: K16/0427A/C7/0002 RN/G5 (3rd February 2017).  
Reason: To prevent an increased risk of flooding elsewhere. Relevant Policies: Paragraph 103 of the National Planning Policy Framework (NPPF) and Policy F1 of the Local Plan
- 5 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.  
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 6 Unless otherwise agreed in writing by the Local Planning Authority, the use of the playing areas and approved floodlighting shall only be operated in accordance with the following details:  
(i)The use of the playing area and the illumination of the flood lights shall only take place between the hours of 08:30 until 22:00 monday to friday during term time and outside of term time between the hours of 08:00 until 17:00  
Reason: To limit the hours of use and illumination, to protect the amenities of local residents and for the prevention of light nuisance. Relevant Policies - Local Plan - Policy NAP3 and NPPF Paragraph 17 bullet point 4.
- 7 The development hereby permitted shall be carried out in accordance with the approved plans listed below.  
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.